

2018

SESSION LAWS

OF THE

STATE OF WASHINGTON

2018 REGULAR SESSION
SIXTY-FIFTH LEGISLATURE
Convened January 8, 2018. Adjourned March 8, 2018.



Published at Olympia by the Statute Law Committee under
Chapter 44.20 RCW.

K. KYLE THIESSEN
Code Reviser

<http://www.leg.wa.gov/codereviser>

WASHINGTON SESSION LAWS

GENERAL INFORMATION

1. EDITIONS AVAILABLE.

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

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

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

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

3. PARTIAL VETOES.

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

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

5. EFFECTIVE DATE OF LAWS.

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the effective date for the Laws of the 2018 regular session is June 7, 2018.
- (b) Laws that carry an emergency clause take effect immediately, or as otherwise specified, upon approval by the Governor.
- (c) Laws that prescribe an effective date take effect upon that date.

6. INDEX AND TABLES.

A cumulative index and tables of all 2018 laws may be found at the back of the final volume.

TABLE OF CONTENTS

Chapter No.	Bill No.	Subject	Page
2018 SESSION			
278	ESSB 6199	Consumer directed employment program—Individual providers	1751
279	SB 6363	Milwaukee road corridor	1785
280	SB 6368	Agricultural fairs	1787
281	SB 6369	Certificates of veterinary inspection—Feed lots	1791
282	SB 6393	Self-insured and state fund pension liabilities— Calculation	1792
283	SSB 6399	Telemedicine payment parity—Recommendations	1795
284	SB 6407	Child welfare services—Private case management— Network administrators	1796
285	SB 6408	Body worn cameras—Law enforcement and corrections officers	1879
286	ESSB 6413	Firefighting—Toxic chemical use	1884
287	SSB 6437	Abandoned recreational vehicles—Disposal—Cost	1886
288	SSB 6452	Children’s mental health—Partnership access line	1891
289	SB 6462	Oil tank insurance—Real estate disclosure	1894
290	SSB 6474	Tribal compact schools—School requirement modifications—Pilot	1895
291	ESSB 6491	Assisted outpatient behavioral health treatment.	1898
292	SSB 6493	Intercollegiate athletic programs—Budgeting	1922
293	SSB 6514	Higher education—Behavioral health and suicide.	1924
294	SSB 6544	Future of work task force	1928
295	ESSB 6614	Property tax—State levy	1930
296	ESSB 6137	Motor vehicle manufacturers and dealers—Relationship	1931
297	PV ESSB 6106	Transportation budget—Supplemental.	1939
298	PV ESSB 6095	Capital budget—Supplemental.	2014
299	PV ESSB 6032	Operating budget—Supplemental	2120
300	SB 5722	Conversion therapy—Sexual orientation and gender identity	2437
301	SHB 2887	County commissioners—District-based elections	2440
302	PV HB 1085	Single family detached homes—Minimum floor area	2446
303	PV EHB 2097	Religious affiliation—Disclosure.	2450
304	PV ESHB 2938	Campaign finance—Enforcement and reporting	2453
305	SSB 6124	Involuntary commitment act—Court hearings by video	2480
306	2ESHB 2057	Residential real property—Abandonment and foreclosure	2486
307	HB 1939	Cesar Chavez day	2515

STATE MEASURES

PROPOSED CONSTITUTIONAL AMENDMENTS	
SENATE JOINT RESOLUTION 8210.	2519

INDEX AND TABLES

TABLES	
BILL NO. TO CHAPTER NO.	2521

TABLE OF CONTENTS

Chapter No.	Bill No.	Subject	Page
		RCW SECTIONS AFFECTED BY 2018 STATUTES.....	2525
		UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 2018 STATUTES ...	2543
		SUBJECT INDEX OF 2018 STATUTES	2549
		HISTORY OF STATE MEASURES.....	2589
		HISTORY OF ADOPTED CONSTITUTIONAL AMENDMENTS	2591

CHAPTER 278

[Engrossed Substitute Senate Bill 6199]

CONSUMER DIRECTED EMPLOYMENT PROGRAM--INDIVIDUAL PROVIDERS

AN ACT Relating to the consumer directed employer program; amending RCW 74.39A.030, 74.39A.051, 74.39A.056, 74.39A.060, 74.39A.086, 74.39A.090, 74.39A.095, 74.39A.155, 74.39A.210, 74.39A.240, 74.39A.250, 74.39A.261, 74.39A.270, 74.39A.275, 74.39A.300, 74.39A.310, 74.39A.351, 74.39A.360, 41.56.026, and 41.56.113; reenacting and amending RCW 74.39A.009; adding new sections to chapter 74.39A RCW; creating new sections; and repealing RCW 74.39A.220.

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

NEW SECTION. Sec. 1. The legislature finds that quality long-term in-home care services allow Washington seniors, persons with disabilities, and their families the choice of remaining in their own homes and communities, including whether to receive residential services, use licensed home care agencies, or coemploy individual providers.

The legislature further finds that long-term in-home care services are a less costly alternative to institutional care, saving Washington taxpayers significant amounts through lower reimbursement rates. Thousands of Washington seniors and persons with disabilities exercise their choice to live in their own homes and receive needed assistance through in-home services.

The legislature finds that many Washington seniors and persons with disabilities currently receive long-term in-home care services from individual providers hired directly by them under programs authorized through the medicaid state plan or medicaid waiver authorities and similar state-funded in-home care programs.

The legislature further finds that establishing a consumer directed employer program will: (1) Support the state's intent for consumers to direct their own services; (2) allow the state to focus on the provision of case management services to consumers; (3) enhance the efficient and effective delivery of home-based services by using an entity that provides the administrative functions of an employer and supports the consumer to manage the services provided in their own homes; (4) eliminate the possible classification of the state as the joint employer of individual providers; (5) prevent or reduce unnecessary and costly utilization of hospitals and institutions by taking a step toward integration of home care workers into a coordinated delivery system; and (6) support the development of new technology and interventions to enhance the skills of home care workers and services provided to consumers.

The legislature does not intend for the consumer directed employer program to replace the consumers' option to select a qualified home care agency to provide authorized in-home care.

Sec. 2. RCW 74.39A.009 and 2012 c 164 s 202 and 2012 c 10 s 63 are each reenacted and amended to read as follows:

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

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by an assisted living facility that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living facility" means a facility licensed under chapter 18.20 RCW.

(4) "Assisted living services" means services provided by an assisted living facility that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services~~((;))~~; and the ~~((resident is housed))~~ facility provides these services to residents who are living in ~~((a))~~ private apartment-like ~~((unit))~~ units.

(5) "Community residential service business" means a business that:

(a) Is certified by the department of social and health services to provide to individuals who have a developmental disability as defined in RCW 71A.10.020~~((4))~~(5):

(i) Group home services;

(ii) Group training home services;

(iii) Supported living services; or

(iv) Voluntary placement services provided in a licensed staff residential facility for children;

(b) Has a contract with the ~~((division of))~~ developmental disabilities administration to provide the services identified in (a) of this subsection; and

(c) All of the business's long-term care workers are subject to statutory or regulatory training requirements that are required to provide the services identified in (a) of this subsection.

(6) "Consumer" or "client" means a person who is receiving or has applied for services under this chapter, including a person who is receiving services from an individual provider.

(7) "Consumer directed employer" is a private entity that contracts with the department to be the legal employer of individual providers for purposes of performing administrative functions. The consumer directed employer is patterned after the agency with choice model, recognized by the federal centers for medicare and medicaid services for financial management in consumer directed programs. The entity's responsibilities are described in section 13 of this act and throughout this chapter and include: (a) Coordination with the consumer, who is the individual provider's managing employer; (b) withholding, filing, and paying income and employment taxes, including workers' compensation premiums and unemployment taxes, for individual providers; (c) verifying an individual provider's qualifications; and (d) providing other administrative and employment-related supports. The consumer directed employer is a social service agency and its employees are mandated reporters as defined in RCW 74.34.020.

(8) "Core competencies" means basic training topics, including but not limited to, communication skills, worker self-care, problem solving, maintaining dignity, consumer directed care, cultural sensitivity, body mechanics, fall prevention, skin and body care, long-term care worker roles and boundaries, supporting activities of daily living, and food preparation and handling.

~~((7))~~ (9) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in

no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

~~((8))~~ (10) "Department" means the department of social and health services.

~~((9))~~ (11) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

~~((10))~~ (12) "Direct care worker" means a paid caregiver who provides direct, hands-on personal care services to persons with disabilities or the elderly requiring long-term care.

~~((11))~~ (13) "Enhanced adult residential care" means services provided by an assisted living facility that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

~~((12))~~ "Functionally disabled person" or "person who is functionally disabled" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, or developmental disability, including chemical dependency, is impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

(13)) (14) "Facility" means an adult family home, an assisted living facility, a nursing home, an enhanced services facility licensed under chapter 70.97 RCW, or a facility certified to provide medicare or medicaid services in nursing facilities or intermediate care facilities for individuals with intellectual disabilities under 42 C.F.R. Part 483.

(15) "Home and community-based services" means services provided in adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed or certified by the department.

~~((14))~~ (16) "Home care aide" means a long-term care worker who ~~((has obtained certification))~~ is certified as a home care aide by the department of health under chapter 18.88B RCW.

~~((15))~~ (17) "Individual provider" is defined according to RCW 74.39A.240.

(18) "Legal employer" means the consumer directed employer, which along with the consumer, coemploys individual providers. The legal employer is responsible for setting wages and benefits for individual providers and must comply with applicable laws including, but not limited to, workers compensation and unemployment insurance laws.

~~((16))~~ (19) "Long-term care" ~~((is synonymous with chronic care and))~~ means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age who are functionally disabled ~~((by))~~ due to chronic mental or physical illness, disease, chemical dependency, or a medical

condition that is permanent, not (~~reversible or~~) curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance provided by any individuals, groups, residential care settings, or professions unless otherwise (~~expressed~~) required by law.

~~((+7))~~ (20)(a) "Long-term care workers" include all persons who provide paid, hands-on personal care services for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care workers employed by home care agencies or a consumer directed employer, providers of home care services to persons with developmental disabilities under Title 71A RCW, all direct care workers in state-licensed assisted living facilities, enhanced services facilities, and adult family homes, respite care providers, direct care workers employed by community residential service businesses, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

(b) "Long-term care workers" do not include: (i) Persons employed by the following facilities or agencies: Nursing homes (~~subject to~~) licensed under chapter 18.51 RCW, hospitals or other acute care settings, residential habilitation centers under chapter 71A.20 RCW, facilities certified under 42 C.F.R., Part 483, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers; or (ii) persons who are not paid by the state or by a private agency or facility licensed or certified by the state to provide personal care services.

~~((+8))~~ (21) "Managing employer" means a consumer who coemploys one or more individual providers and whose responsibilities include (a) choosing potential individual providers and referring them to the consumer directed employer; (b) overseeing the day-to-day management and scheduling of the individual provider's tasks consistent with the plan of care; and (c) dismissing the individual provider when desired.

(22) "Nursing home" or "nursing facility" means a facility licensed under chapter 18.51 RCW or certified as a medicaid nursing facility under 42 C.F.R. Part 483, or both.

~~((+9))~~ (23) "Person who is functionally disabled" means a person who because of a recognized chronic physical or mental condition or disease, including chemical dependency or developmental disability, is dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living," in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances may also be considered when assessing a person's functional abilities to perform activities in the home and the community.

(24) "Personal care services" means physical or verbal assistance with activities of daily living and instrumental activities of daily living provided because of a person's functional disability.

~~((+20))~~ (25) "Population specific competencies" means basic training topics unique to the care needs of the population the long-term care worker is serving, including but not limited to, mental health, dementia, developmental disabilities, young adults with physical disabilities, and older adults.

~~((24))~~ (26) "Qualified instructor" means a registered nurse or other person with specific knowledge, training, and work experience in the provision of direct, hands-on personal care and other assistance services to the elderly or persons with disabilities requiring long-term care.

~~((22))~~ (27) "Secretary" means the secretary of social and health services.

~~((23))~~ "Secretary of health" means the secretary of health or the secretary's designee.

(24)) (28) "Training partnership" means a joint partnership or trust that includes the office of the governor and the exclusive bargaining representative of individual providers under RCW 74.39A.270 with the capacity to provide training, peer mentoring, and workforce development, or other services to individual providers.

~~((25))~~ (29) "Tribally licensed assisted living facility" means an assisted living facility licensed by a federally recognized Indian tribe in which a facility provides services similar to services provided by assisted living facilities licensed under chapter 18.20 RCW.

NEW SECTION. **Sec. 3.** A new section is added to chapter 74.39A RCW to read as follows:

(1) The department may establish and implement a consumer directed employer program to provide personal care, respite care, and similar services to individuals with functional impairments under programs authorized through the medicaid state plan or medicaid waiver authorities and similar state-funded in-home care programs.

(a) The consumer directed employer program is a consumer directed program and must be operated in a manner consistent with federal medicaid requirements. The consumer directed employer is the legal employer of individual providers for administrative purposes.

(b) Under the consumer directed employer program, the consumer is the managing employer of individual providers and retains the primary right to select, dismiss, assign hours, and supervise the work of one or more individual providers, as long as the consumer's actions are consistent with the consumer's plan of care, this chapter, and state and federal law.

(2) The department shall endeavor to select and contract with one consumer directed employer to be a medicaid provider that will coemploy individual providers. The department shall make every effort to select a single qualified vendor. In the event it is not possible to contract with a single vendor, the department is authorized to contract with up to two vendors. The department's activities to identify, select, and contract with a consumer directed employer are exempt from the requirements of chapter 39.26 RCW.

(a) When contracting with a consumer directed employer, the department should seek to contract with a vendor that demonstrates:

(i) A strong commitment to consumer choice, self-direction, and maximizing consumer autonomy and control over daily decisions; and

(ii) A commitment to recruiting and retaining a high quality and diverse workforce and working with a broad coalition of stakeholders in an effort to understand the changing needs of the workforce and consumer needs and preferences.

(b) Additional factors the department should consider in selecting a vendor include, but are not limited to, the vendor's:

(i) Ability to provide maximum support to consumers to focus on directing their own services through a model that recognizes that the provision of employer responsibility and human resource administration support is integral to successful self-directed home care programs;

(ii) Commitment to engage and work closely with consumers in design, implementation, and on-going operations through an advisory board, focus group, or other methods as approved by the department;

(iii) Focus on workforce retention and creating incentives for qualified and trained providers to meet the growing needs of state long-term care consumers;

(iv) Ability to meet the state's interest in preventing or mitigating disruptions to consumer services;

(v) Ability to deliver high quality training, health care, and retirement, which may include participation in existing trusts that deliver those benefits;

(vi) Ability to comply with the terms and conditions of employment of individual providers at the time of the transition;

(vii) Commitment to involving its home care workforce in decision making;

(viii) Vision for including and enhancing home care workers as a valued member of the consumer's care team, as desired and authorized by the consumer and reflected in the consumer's plan of care; and

(ix) Ability to build and adapt technology tools that can enhance efficiency and provide better quality of services.

(c) In order to be qualified as a consumer directed employer, an entity must meet the requirements in: (i) Its contract with the department; (ii) the medicaid state plan; (iii) rules adopted under this chapter, if any; and (iv) this section.

(d) Any qualified and willing individual may apply to become an employee of a consumer directed employer and may work as an individual provider when selected by a consumer.

(e) A consumer directed employer that holds a contract with the department to provide medicaid services through the employment of individual providers is deemed to be a certified medicaid provider.

(f) A consumer directed employer is not a home care agency under chapter 70.127 RCW.

(g) A consumer directed employer that also provides home care services under chapter 70.127 RCW must demonstrate to the department's satisfaction that it operates the programs under separate business units, and that its business structures, policies, and procedures will prevent any conflicts of interest.

(3) If the department selects and contracts with a consumer directed employer, the department shall determine when to terminate the department's contracts with individual providers.

(a) Until the department determines the transition to the consumer directed employer program is complete, the state shall continue to administer the individual provider program for the remaining contracted individual providers and to act as the public employer solely for the purpose of collective bargaining under RCW 74.39A.270 for those directly contracted individual providers.

(b) Once the department determines that the transition to the consumer directed employer is complete, the department may no longer contract with individual providers, unless there are not any contracted consumer directed employees available.

(4) The department shall convene a stakeholder group to make recommendations to the legislature on the establishment of a separate licensure or certification category for a consumer directed employer. The stakeholder group shall make their recommendations by October 1, 2018.

(5) The department of labor and industries shall initially place individual providers employed by a consumer directed employer in the classification for the home care services and home care referral registry. After the department determines that the transition to the consumer directed employer program is complete, the department of labor and industries may, if necessary, adjust the classification and rate in accordance with chapter 51.16 RCW.

(6) After the date on which the department enters into a contract with the consumer directed employer and determines the transition to the consumer directed employer program is complete, biennial funding in the next ensuing biennium for case management and social work shall be reduced by no more than: Two million nine hundred eight thousand dollars for area agencies on aging; one million three hundred sixty-one thousand dollars for home and community services; and one million two hundred eighty-nine thousand dollars for developmental disabilities.

NEW SECTION. **Sec. 4.** A new section is added to chapter 74.39A RCW to read as follows:

The department may adopt any rules as it deems necessary to implement the provisions of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 74.39A RCW to read as follows:

(1) Nothing in this act modifies the department's:

(a) Authority to establish a plan of care for each consumer, including establishing the number of hours in a week a consumer may assign to any one provider consistent with section 26 of this act;

(b) Core responsibility to manage long-term in-home care services under this chapter, including determination of the level of care that each consumer is eligible to receive;

(c) Obligation to comply with the federal medicaid laws and regulations, the state medicaid plan, or any waiver granted by the federal department of health and human services; and to ensure federal financial participation in the provision of services.

(2) Nothing in this act modifies the legislature's right to make programmatic modifications to the delivery of state services under this title, including eligibility standards for consumers, standards for individual providers, and the nature of services provided.

(3) Nothing in this chapter shall cause individuals who were hired as long-term care workers prior to January 7, 2012, to lose their exemption from certification requirements under RCW 18.88B.041 solely because they became employees of a consumer directed employer.

Sec. 6. RCW 74.39A.030 and 2012 c 10 s 66 are each amended to read as follows:

(1) To the extent of available funding, the department shall expand cost-effective options for home and community services for consumers for whom the state participates in the cost of their care.

(2) In expanding home and community services, the department shall ~~((a))~~ take full advantage of federal funding available under Title XVIII and Title XIX of the federal social security act, including home health, adult day care, waiver options, and state plan services ~~((s))~~ and ~~((b))~~ ~~be authorized to use funds available under its community options program entry system waiver granted under section 1915(e) of the federal social security act to~~) expand the availability of in-home ~~((s-adult))~~ services and residential ((eare)) services, including services in adult family homes, ((enhanced adult residential care, and)) assisted living facilities, and enhanced services facilities. ~~((By June 30, 1997, the department shall undertake to reduce the nursing home medicaid census by at least one thousand six hundred by assisting individuals who would otherwise require nursing facility services to obtain services of their choice, including assisted living services, enhanced adult residential care, and other home and community services. If a resident, or his or her legal representative, objects to a discharge decision initiated by the department, the resident shall not be discharged if the resident has been assessed and determined to require nursing facility services. In contracting with nursing homes and assisted living facilities for enhanced adult residential care placements, the department shall not require, by contract or through other means, structural modifications to existing building construction.))~~

(3)(a) The department shall by rule establish payment rates for home and community services that support the provision of cost-effective care. In the event of any conflict between any such rule and a collective bargaining agreement entered into under RCW 74.39A.270 and 74.39A.300, the collective bargaining agreement prevails.

(b) The department may authorize an enhanced adult residential care rate for nursing homes that temporarily or permanently convert their bed use for the purpose of providing enhanced adult residential care under chapter 70.38 RCW, when the department determines that payment of an enhanced rate is cost-effective and necessary to foster expansion of contracted enhanced adult residential care services. As an incentive for nursing homes to permanently convert a portion of its nursing home bed capacity for the purpose of providing enhanced adult residential care, the department may authorize a supplemental add-on to the enhanced adult residential care rate.

(c) The department may authorize a supplemental assisted living services rate for up to four years for facilities that convert from nursing home use and do not retain rights to the converted nursing home beds under chapter 70.38 RCW, if the department determines that payment of a supplemental rate is cost-effective and necessary to foster expansion of contracted assisted living services.

Sec. 7. RCW 74.39A.051 and 2012 c 164 s 701 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when

conducting licensing or contract inspections, the department shall interview an appropriate percentage of residents, family members, resident case managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers, residents, and other interested parties.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW ~~70.97.110, 71A.12.300,~~ 74.39A.080, or 70.128.160, or chapter 18.51 or 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) Background checks of long-term care workers must be conducted as provided in RCW 74.39A.056.

(8) Except as provided in RCW 74.39A.074 and 74.39A.076, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules ~~((for the implementation of))~~ to implement this section. The department shall deny payment to ~~((an individual provider))~~ a consumer directed employer or a home care ~~((provider))~~ agency for services provided by employees who ((does)) have not ((complete)) completed the training requirements within the time limit specified by ~~((the))~~ department ((by rule)) rules. The department shall deny payment to any individual providers who provide services under a contract with the department if they have been notified that they are no longer permitted to work because they have not completed the training requirements within the time period required by department rules.

(9) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

Sec. 8. RCW 74.39A.056 and 2012 c 164 s 503 are each amended to read as follows:

(1)(a) All long-term care workers shall be screened through state and federal background checks in a uniform and timely manner to verify that they do not have a ~~((criminal))~~ history that would disqualify them from working with vulnerable persons. The department must ~~((perform criminal))~~ process background checks for ~~((individual providers and prospective individual providers))~~ long-term care workers and make the information available to employers, prospective employers, and others as ((provided)) authorized by law.

(b)(i) Except as provided in (b)(ii) of this subsection, for long-term care workers hired on or after January 7, 2012, the background checks required under this section shall include checking against the federal bureau of investigation fingerprint identification records system and against the national sex offenders registry or their successor programs. The department shall require these long-term care workers to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation. The department shall not pass on the cost of these criminal background checks to the workers or their employers.

(ii) This subsection does not apply to long-term care workers employed by community residential service businesses until January 1, 2016.

(c) The department shall share state and federal background check results with the department of health in accordance with RCW 18.88B.080.

(d) Background check screening required under this section and department rules is not required for an employee of a consumer directed employer if all of the following circumstances apply:

(i) The individual has an individual provider contract with the department;

(ii) The last background check on the contracted individual provider is still valid under department rules and did not disqualify the individual from providing personal care services;

(iii) Employment by the consumer directed employer is the only reason a new background check would be required; and

(iv) The department's background check results have been shared with the consumer directed employer.

(2) No provider, or its staff, or long-term care worker, or prospective provider or long-term care worker, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority or a court of law or entered into a state registry with a final substantiated finding of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(3) The department shall establish, by rule, a state registry which contains identifying information about long-term care workers identified under this chapter who have final substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, final substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information must also be shared with the department of health to advance the purposes of chapter 18.88B RCW.

(4) The department shall adopt rules to implement this section.

Sec. 9. RCW 74.39A.060 and 2013 c 23 s 227 are each amended to read as follows:

(1) The aging and ~~((adult services))~~ long-term support administration of the department shall establish and maintain a toll-free telephone number for receiving complaints regarding ~~((a facility that the administration licenses or with which it contracts for long-term care services))~~ facilities and community residential services businesses as defined in this chapter.

(2) ~~((All facilities that are licensed by, or that contract with the aging and adult services administration to provide chronic long-term care services))~~ Each facility shall post in a place and manner clearly visible to residents and visitors the department's toll-free complaint telephone number and the toll-free number and program description of the long-term care ombuds as ~~((provided))~~ required by RCW 43.190.050.

(3) The aging and ~~((adult services))~~ long-term support administration shall investigate complaints ~~((if the subject of the complaint is within its authority))~~ it receives about facilities and community residential services businesses unless the department determines that: (a) The complaint is intended to willfully harass ~~((a licensee or employee of the licensee))~~ the provider or the provider's employee; or (b) there is no reasonable basis for investigation; or (c) corrective action has been taken as determined by the ombuds or the department.

(4) The aging and ~~((adult services))~~ long-term support administration shall refer complaints to appropriate state agencies, law enforcement agencies, the attorney general, the long-term care ombuds, or other entities if the department lacks authority to investigate or if its investigation reveals that a follow-up referral to one or more of these entities is appropriate.

(5) The department shall adopt rules that include the following complaint investigation protocols:

(a) Upon receipt of a complaint, the department shall make a preliminary review of the complaint, assess the severity of the complaint, and assign an appropriate response time. Complaints involving imminent danger to the health, safety, or well-being of a resident must be responded to within two days. When appropriate, the department shall make an on-site investigation within a reasonable time after receipt of the complaint or otherwise ensure that complaints are responded to.

(b) The complainant must be: Promptly contacted by the department, unless anonymous or unavailable despite several attempts by the department, and informed of the right to discuss the alleged violations with the inspector and to provide other information the complainant believes will assist the inspector; informed of the department's course of action; and informed of the right to receive a written copy of the investigation report.

(c) In conducting the investigation, the department shall interview the complainant, unless anonymous, and shall use its best efforts to interview the vulnerable adult or adults allegedly harmed, and, consistent with the protection of the vulnerable adult shall interview facility staff, any available independent sources of relevant information, including if appropriate the family members of the vulnerable adult.

(d) Substantiated complaints involving harm to a resident, if an applicable law or rule has been violated, shall be subject to one or more of the actions provided in RCW 74.39A.080 or 70.128.160. Whenever appropriate, the department shall also give consultation and technical assistance to the provider.

(e) After a department finding of a violation for which a stop placement has been imposed, the department shall make an on-site revisit of the provider within fifteen working days from the request for revisit, to ensure correction of the violation. For violations that are serious or recurring or uncorrected following a previous citation, and create actual or threatened harm to one or more residents' well-being, including violations of residents' rights, the department shall make

an on-site revisit as soon as appropriate to ensure correction of the violation. Verification of correction of all other violations may be made by either a department on-site revisit or by written or photographic documentation found by the department to be credible. This subsection does not prevent the department from enforcing license or contract suspensions or revocations. Nothing in this subsection shall interfere with or diminish the department's authority and duty to ensure that the provider adequately cares for residents, including to make departmental on-site revisits as needed to ensure that the provider protects residents and to enforce compliance with this chapter.

(f) Substantiated complaints of neglect, abuse, exploitation, or abandonment of residents, or suspected criminal violations, shall also be referred by the department to the appropriate law enforcement agencies, the attorney general, and appropriate professional disciplining authority.

(6) The department may provide the substance of the complaint to the licensee or contractor before the completion of the investigation by the department unless such disclosure would reveal the identity of a complainant, witness, or resident who chooses to remain anonymous. Neither the substance of the complaint provided to the licensee or contractor nor any copy of the complaint or related report published, released, or made otherwise available shall disclose, or reasonably lead to the disclosure of, the name, title, or identity of any complainant, or other person mentioned in the complaint, except that the name of the provider and the name or names of any officer, employee, or agent of the department conducting the investigation shall be disclosed after the investigation has been closed and the complaint has been substantiated. The department may disclose the identity of the complainant if such disclosure is requested in writing by the complainant. Nothing in this subsection shall be construed to interfere with the obligation of the long-term care ombuds program or department staff to monitor the department's licensing, contract, and complaint investigation files for long-term care facilities.

(7) The resident has the right to be free of interference, coercion, discrimination, and reprisal from a facility in exercising his or her rights, including the right to voice grievances about treatment furnished or not furnished. A facility that provides long-term care services shall not discriminate or retaliate in any manner against a resident, employee, or any other person on the basis or for the reason that such resident or any other person made a complaint to the department, the attorney general, law enforcement agencies, or the long-term care ombuds, provided information, or otherwise cooperated with the investigation of such a complaint. Any attempt to discharge a resident against the resident's wishes, or any type of retaliatory treatment of a resident by whom or upon whose behalf a complaint substantiated by the department has been made to the department, the attorney general, law enforcement agencies, or the long-term care ombuds, within one year of the filing of the complaint, raises a rebuttable presumption that such action was in retaliation for the filing of the complaint. "Retaliatory treatment" means, but is not limited to, monitoring a resident's phone, mail, or visits; involuntary seclusion or isolation; transferring a resident to a different room unless requested or based upon legitimate management reasons; withholding or threatening to withhold food or treatment unless authorized by a terminally ill resident or his or her representative pursuant to law; or persistently delaying responses to a resident's request for service or

assistance. A facility that provides long-term care services shall not willfully interfere with the performance of official duties by a long-term care ombuds. The department shall sanction and may impose a civil penalty of not more than three thousand dollars for a violation of this subsection.

Sec. 10. RCW 74.39A.086 and 2012 c 164 s 602 are each amended to read as follows:

(1) ~~((The department:~~

~~(a) Shall deny payment to any individual provider of home care services who has not been certified as a home care aide as required under chapter 18.88B RCW or whose certification is revoked or, if exempted from certification under RCW 18.88B.041, who has not completed his or her required training pursuant to RCW 74.39A.074.~~

~~(b) May terminate the contract of any individual provider of home care services, or take any other enforcement measure deemed appropriate by the department if the individual provider has not been certified or the individual provider's certification is revoked under chapter 18.88B RCW or, if exempted from certification by RCW 18.88B.041, the individual provider has not completed his or her required training pursuant to RCW 74.39A.074.~~

~~(2)) The department shall take appropriate enforcement action related to the contract of a consumer directed employer or a licensed or certified private agency or facility ((licensed by the state to provide personal care)) that provides long-term care services((, other than an individual provider, who)) and knowingly employs a long-term care worker who is not a certified home care aide as required under chapter 18.88B RCW ((or whose certification is revoked)) or, if exempted from certification under RCW 18.88B.041, who has not completed his or her required training ((pursuant to)) under RCW 74.39A.074.~~

(2) The department shall deny payment to individual providers who provided services under a contract with the department if they have been notified that they are no longer permitted to work because they:

(a) Were not certified as home care aides as required under chapter 18.88B RCW; or

(b) Had not completed the training required under RCW 74.39A.074.

(3) The department may terminate the contract of any individual provider under contract with the department who:

(a) Is not certified as a home care aide as required under chapter 18.88B RCW; or

(b) Has not completed the training required under RCW 74.39A.074.

(4) Chapter 34.05 RCW shall govern actions by the department under this section.

~~((4)) (5) The department shall adopt rules to implement this section.~~

Sec. 11. RCW 74.39A.090 and 2013 c 320 s 10 are each amended to read as follows:

~~(1) ((The legislature intends that any staff reassigned by the department as a result of shifting of the reauthorization responsibilities by contract outlined in this section shall be dedicated for discharge planning and assisting with discharge planning and information on existing discharge planning cases.)) Discharge planning, as directed in this section, is intended for residents and patients identified for discharge to long-term ~~((care pursuant to)) services under~~~~

RCW 70.41.320, 74.39A.040, ~~((and))~~ or 74.42.058. The purpose of discharge planning is to protect residents and patients from the financial incentives inherent in keeping residents or patients in a more expensive higher level of care and shall focus on care options that are in the best interest of the patient or resident.

(2) The department shall, consistent with the intent of this section, contract with area agencies on aging:

(a) To provide case management services to consumers receiving home and community services in their own home; and

(b) To reassess and reauthorize home and community services in home or in other settings for consumers ~~((consistent with the intent of this section))~~:

(i) Who have been initially authorized by the department to receive home and community services; and

(ii) Who, at the time of reassessment and reauthorization, are receiving home and community services in their own home.

(3) In the event that an area agency on aging is unwilling to enter into or satisfactorily fulfill a contract or an individual consumer's need for case management services will be met through an alternative delivery system, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

(4)(a) The department shall include, in its oversight and monitoring of area agency on aging performance, assessment of case management roles undertaken by area agencies on aging in this section. The scope of oversight and monitoring includes, but is not limited to, assessing the degree and quality of the case management performed by area agency on aging staff for elderly and persons with disabilities in the community.

(b) The department shall incorporate the expected outcomes and criteria to measure the performance of service coordination organizations into contracts with area agencies on aging as provided in chapter 70.320 RCW.

(5) Area agencies on aging shall assess the quality of the in-home care services provided to consumers who are receiving services under ~~((the medicaid personal care, community options programs entry system or chore services program))~~ programs authorized through the medicaid state plan, medicaid waiver authorities, or similar state-funded in-home care programs through an individual provider or home care agency. Quality indicators may include, but are not limited to, home care consumers satisfaction surveys, how quickly home care consumers are linked with home care workers, and whether the plan of care under RCW 74.39A.095 has been honored by the agency or the individual provider.

(6) The department shall develop model language for the plan of care established in RCW 74.39A.095. The plan of care shall be in clear language, and written at a reading level that will ensure the ability of consumers to understand the rights and responsibilities expressed in the plan of care.

Sec. 12. RCW 74.39A.095 and 2014 c 40 s 1 are each amended to read as follows:

(1) In carrying out case management responsibilities established under RCW 74.39A.090 for consumers who are receiving services under ~~((the medicaid personal care, community options programs entry system or chore~~

~~services program through an individual provider, each area agency on aging shall provide oversight of the care being provided to consumers receiving services under this section)) programs authorized through the medicaid state plan, medicaid waiver authorities, or similar state-funded in-home care programs, to the extent of available funding(~~Case management responsibilities incorporate this oversight, and include, but are not limited to:~~~~

(a) ~~Verification that any individual provider has met any training requirements established by the department;~~

(b) ~~Verification of a sample of worker time sheets until the state electronic payment system is available for individual providers to record their hours at which time a verification of worker time sheets may be done electronically;~~

(c) ~~Monitoring the consumer's plan of care to verify that it adequately meets the needs of the consumer, through activities such as home visits, telephone contacts, and responses to information received by the area agency on aging indicating that a consumer may be experiencing problems relating to his or her home care;~~

(d) ~~Reassessing and reauthorizing services;~~

(e) ~~Monitoring of individual provider performance; and~~

(f) ~~Conducting criminal background checks or verifying that criminal background checks have been conducted for any individual provider. Individual providers who are hired after January 7, 2012, are subject to background checks under RCW 74.39A.056), each area agency on aging shall:~~

(a) Work with each client to develop a plan of care under this section that identifies and ensures coordination of health and long-term care services and supports. In developing the plan, the area agency on aging shall use and modify as needed any comprehensive plan of care developed by the department as provided in RCW 74.39A.040;

(b) Monitor the implementation of the consumer's plan of care to verify that it adequately meets the needs of the consumer through activities such as home visits, telephone contacts, and responses to information received by the area agency on aging indicating that a consumer may be experiencing problems relating to his or her home care;

(c) Reassess and reauthorize services;

(d) Explain to the consumer that consumers have the right to waive case management services offered by the area agency on aging, except consumers may not waive the area agency on aging's reassessment or reauthorization of services, or verification that services are being provided in accordance with the plan of care; and

(e) Document the waiver of any case management services by the consumer.

~~(2) ((The area agency on aging case manager shall work with each consumer to develop a plan of care under this section that identifies and ensures coordination of health and long term care services that meet the consumer's needs. In developing the plan, they shall utilize, and modify as needed, any comprehensive community service plan developed by the department as provided in RCW 74.39A.040. The plan of care shall include, at a minimum:~~

~~(a) The name and telephone number of the consumer's area agency on aging case manager, and a statement as to how the case manager can be contacted about any concerns related to the consumer's well-being or the adequacy of care provided;~~

~~(b) The name and telephone numbers of the consumer's primary health care provider, and other health or long-term care providers with whom the consumer has frequent contacts;~~

~~(c) A clear description of the roles and responsibilities of the area agency on aging case manager and the consumer receiving services under this section;~~

~~(d) The duties and tasks to be performed by the area agency on aging case manager and the consumer receiving services under this section;~~

~~(e) The type of in-home services authorized, and the number of hours of services to be provided;~~

~~(f) The terms of compensation of the individual provider;~~

~~(g) A statement by the individual provider that he or she has the ability and willingness to carry out his or her responsibilities relative to the plan of care; and~~

~~(h)(i) Except as provided in (h)(ii) of this subsection, a clear statement indicating that a consumer receiving services under this section has the right to waive any of the case management services offered by the area agency on aging under this section, and a clear indication of whether the consumer has, in fact, waived any of these services.~~

~~(ii) The consumer's right to waive case management services does not include the right to waive reassessment or reauthorization of services, or verification that services are being provided in accordance with the plan of care.~~

~~(3) Each area agency on aging shall retain a record of each waiver of services included in a plan of care under this section.~~

~~(4)) Each consumer has the right to direct and participate in the development of their plan of care to the maximum extent practicable (~~extent of their abilities and desires~~), and to be provided with the time and support necessary to facilitate that participation.~~

~~((5)) (3) As authorized by the consumer, a copy of the plan of care ((must)) may be distributed to: (a) The consumer's ((primary care provider,)) individual provider((;)) contracted with the department; (b) the entity contracted with the department to provide personal care services; and (c) other relevant providers with whom the consumer has frequent contact((, as authorized by the consumer)).~~

~~((6) The consumer's plan of care shall be an attachment to the contract between the department, or their designee, and the individual provider.~~

~~(7) If the department or area agency on aging case manager finds that an individual provider's inadequate performance or inability to deliver quality care is jeopardizing the health, safety, or well-being of a consumer receiving service under this section, the department or the area agency on aging may take action to terminate the contract between the department and the individual provider. If the department or the area agency on aging has a reasonable, good faith belief that the health, safety, or well-being of a consumer is in imminent jeopardy, the department or area agency on aging may summarily suspend the contract pending a fair hearing. The consumer may request a fair hearing to contest the planned action of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection.~~

~~(8) The department or area agency on aging may reject a request by a consumer receiving services under this section to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the family member or other person will be~~

~~unable to appropriately meet the care needs of the consumer. The consumer may request a fair hearing to contest the decision of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection.))~~

(4) If an individual provider is employed by a consumer directed employer, the department or area agency on aging must notify the consumer directed employer if:

(a) There is reason to believe that an individual provider or prospective individual provider is not delivering or will not be able to deliver the services identified in the consumer's plan of care; or

(b) The individual provider's performance is jeopardizing the health, safety, or well-being of a consumer receiving services under this section.

NEW SECTION, Sec. 13. A new section is added to chapter 74.39A RCW to read as follows:

(1) If a consumer directed employer employs individual providers, then the consumer directed employer shall:

(a) Verify that each individual provider has met any training requirements established under this chapter and rules adopted under this chapter;

(b) Conduct background checks on individual providers as required under this chapter, RCW 43.43.830 through 43.43.842, 43.20A.710, and the rules adopted by the department; or verify that a background check has been conducted for each individual provider and that the background check is still valid in accordance with department rules;

(c) Implement an electronic visit verification system that complies with federal requirements, or in the absence of an electronic visit verification system, monitor a statistically valid sample of individual provider's claims to the receipt of services by the consumer;

(d) Monitor individual provider compliance with employment requirements;

(e) As authorized and determined by the consumer, provide a copy of the consumer's plan of care to the individual provider who has been selected by the consumer;

(f) Verify the individual provider is able and willing to carry out his or her responsibilities under the plan of care;

(g) Take into account information provided by the consumer or the consumer's case manager about the consumer's specific needs;

(h) Discontinue the individual provider's assignment to a consumer when the consumer directed employer has reason to believe, or the department or area agency on aging has reported, that the health, safety, or well-being of a consumer is in imminent jeopardy due to the performance of the individual provider;

(i) Reject a request by a consumer to assign a specific person as his or her individual provider, if the consumer directed employer has reason to believe that the individual will be unable to appropriately meet the care needs of the consumer; and

(j) Establish a dispute resolution process for consumers who wish to dispute decisions made under (h) and (i) of this subsection.

(2) If any individual providers are contracted with the department to provide services under this chapter, the area agency on aging case management responsibilities shall include:

(a) Verifying that each individual provider has met all training requirements under this chapter and department rules;

(b) Conducting background checks on individual providers as required under this chapter, RCW 43.43.830 through 43.43.842, 43.20A.710, and department rules; or verifying that background checks have been conducted for each individual provider and that the background check is still valid in accordance with department rules;

(c) Monitoring that the individual provider is providing services as outlined in the consumer's plan of care;

(d) Attaching the consumer's plan of care to the contract with the individual provider;

(e) Verifying with the individual provider that he or she is able and willing to carry out his or her responsibilities under the plan of care;

(f) Terminating the contract between the department and the individual provider if the department or area agency on aging finds that an individual provider's inadequate performance or inability to deliver quality care is jeopardizing the health, safety, or well-being of a consumer receiving service under this section;

(g) Summarily suspending the contract pending a fair hearing, if there is reason to believe the health, safety, or well-being of a consumer is in imminent jeopardy; and

(h) Rejecting a request by a consumer receiving services under this section to have a family member or other person serve as his or her individual provider if the case manager has reason to believe that the family member or other person will be unable to appropriately meet the care needs of the consumer.

(3) The consumer may request a fair hearing under chapter 34.05 RCW to contest a planned action of the case manager under subsection (2)(g) and (h) of this section.

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

Sec. 14. RCW 74.39A.155 and 2008 c 146 s 8 are each amended to read as follows:

Within funds appropriated for this purpose, the department shall provide additional support for residents in community settings who exhibit challenging behaviors that put them at risk for institutional placement. The residents must be receiving services under ~~((the community options program entry system waiver or the medically needy residential facility waiver under section 1905(e) of the federal social security act))~~ programs authorized through the medicaid state plan, medicaid waiver authorities, or similar state-funded in-home care programs, and must have been evaluated under the individual comprehensive assessment reporting and evaluation process.

Sec. 15. RCW 74.39A.210 and 2001 c 319 s 13 are each amended to read as follows:

An employer providing home and community services, including facilities licensed under chapters 18.51, 18.20, ~~70.97,~~ and 70.128 RCW, an employer of a program ~~((authorized))~~ operating under RCW 71A.12.040(10), a consumer directed employer, or an in-home services agency employer licensed under chapter 70.127 RCW, who discloses information about a former or current employee to a prospective home and community services employer, nursing

home employer, consumer directed employer, or ~~((are an))~~ in-home services agency employer, is presumed to be acting in good faith and is immune from civil and criminal liability for such disclosure or its consequences if the disclosed information relates to: (1) The employee's ability to perform his or her job; (2) the diligence, skill, or reliability with which the employee carried out the duties of his or her job; or (3) any illegal or wrongful act committed by the employee when related to his or her ability to care for a vulnerable adult. For purposes of this section, the presumption of good faith may only be rebutted upon a showing by clear and convincing evidence that the information disclosed by the employer was knowingly false or made with reckless disregard for the truth of the information disclosed. ~~((Should))~~ If the employee successfully ~~((rebut))~~ rebuts the presumption of good faith standard in a court of competent jurisdiction, ~~((and therefore be))~~ as the prevailing party, the ~~((prevailing party))~~ employee shall be entitled to recover reasonable attorneys' fees against the employer. Nothing in this section shall affect or limit any other state, federal, or constitutional right otherwise available.

Sec. 16. RCW 74.39A.240 and 2011 1st sp.s. c 21 s 7 are each amended to read as follows:

The definitions in this section apply throughout RCW 74.39A.030 ~~((and))~~, 74.39A.095 ~~((and))~~, 74.39A.220 through 74.39A.300, and 41.56.026 unless the context clearly requires otherwise.

(1) "Consumer" means a person to whom an individual provider provides any such services.

(2) "Department" means the department of social and health services.

(3) "Individual provider" means a person, including a personal aide, who ~~((has contracted with the department to))~~, under an individual provider contract with the department or as an employee of a consumer directed employer, provides personal care or respite care services to persons who are functionally disabled ((persons)) or otherwise eligible under ~~((the medicaid personal care, community options program entry system, chore services program, or respite care program, or to provide respite care or residential services and support to persons with developmental disabilities under))~~ programs authorized and funded by the medicaid state plan, medicaid waiver programs chapter 71A.12 RCW, ~~((or to provide respite care as defined in))~~ RCW 74.13.270, or similar state-funded in-home care programs.

Sec. 17. RCW 74.39A.250 and 2012 c 164 s 708 are each amended to read as follows:

(1) ~~((The department))~~ If a consumer directed employer employs individual providers, the consumer directed employer shall:

(a) Provide assistance to consumers and prospective consumers in finding individual providers and prospective individual providers through the ((establishment)) operation of a referral registry of individual providers and prospective individual providers.

(b) Before placing an individual provider or prospective individual provider on the referral registry, ((the department shall)) determine that ((:

~~((a)))~~ the individual provider or prospective individual provider;

(i) Has met the minimum requirements for training ((set forth in)) under RCW 74.39A.051 and 74.39A.074;

~~((b) The individual provider or prospective individual provider)) (ii) Has satisfactorily ~~((undergone))~~ completed a ~~((criminal))~~ background check ~~((conducted))~~ within the prior twelve months; and~~

~~((c) The individual provider or prospective individual provider)) (iii) Is not listed on any ~~((long-term care abuse and neglect))~~ state or federal registry ~~((used))~~ described in RCW 74.39A.056 or on other registries maintained by the department.~~

~~((2) The department shall)) (c) Remove from the referral registry any individual provider or prospective individual provider ~~((that))~~ who does not meet the qualifications set forth in this subsection (1) ~~((of this section or to have committed misfeasance or malfeasance in the performance of his or her duties))~~ or whose employment as an individual provider has been terminated based on good cause. ~~((The individual provider or prospective individual provider, or the consumer to which the individual provider is providing services, may request a fair hearing to contest the removal from the referral registry, as provided in chapter 34.05 RCW.~~~~

~~((3) The department shall)) (d) Provide routine, emergency, and respite referrals of individual providers and prospective individual providers to consumers and prospective consumers who are authorized to receive long-term in-home care services through an individual provider.~~

~~((4)) (e) Not allow an individual provider to provide services to a consumer without the consumer's consent.~~

~~((2) The department shall ~~((give preference in the recruiting, training, referral, and employment of individual providers and prospective individual providers to recipients of public assistance or other low income persons who would qualify for public assistance in the absence of such employment))~~ perform the activities under subsection (1) of this section if the department has not transitioned the responsibilities under this section to a consumer directed employer.~~

Sec. 18. RCW 74.39A.261 and 2012 c 164 s 502 are each amended to read as follows:

If the department contracts with individual providers, the department must perform ~~((criminal))~~ background checks for individual providers and prospective individual providers under RCW 74.39A.056.

Sec. 19. RCW 74.39A.270 and 2017 3rd sp.s. c 24 s 1 are each amended to read as follows:

The following provisions apply only to individual providers who are contracted with the department to provide personal care or respite care services:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees as defined in chapter 41.56 RCW. To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. ~~((The governor or governor's designee~~

~~shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers.))~~ The department shall solicit input from the developmental disabilities council, the governor's committee on disability issues and employment, the state council on aging, and other consumer advocacy organizations to obtain informed input from consumers on their interests, including impacts on consumer choice, for all issues proposed for collective bargaining under subsections (5) and ~~((6))~~ (7) of this section.

(2) Chapter 41.56 RCW governs the collective bargaining relationship between the governor and individual providers, except as otherwise expressly provided in this chapter and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires; and

(ii) The decision of the ~~((arbitration panel))~~ arbitrator is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter or chapter 41.56 RCW.

(3) Individual providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the ~~((authority))~~ department or a department contractor.

(5) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. Except as described in ~~((subsection (9) of this))~~ section 26 of this act, no agency or department of the state may establish policies or rules governing the wages or hours of individual providers. ~~((This subsection does not modify:~~

~~(a) The department's authority to establish a plan of care for each consumer or its core responsibility to manage long-term in-home care services under this chapter, including determination of the level of care that each consumer is eligible to receive. However, at the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over how the department's core responsibility affects hours of work for individual providers. This subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care;~~

~~(b)(i) The requirement that the number of hours the department may pay any single individual provider is limited to:~~

~~(A) Sixty hours each workweek if the individual provider was working an average number of hours in excess of forty hours for the workweeks during January 2016, except for fiscal years 2016, 2017, and 2018, the limit is sixty five hours each workweek; or~~

~~(B) Forty hours each workweek if the individual provider was not working an average number of hours in excess of forty hours for the workweeks during January 2016, or had no reported hours for the month of January 2016.~~

~~(ii) Additional hours may be authorized under criteria established by rules adopted by the department under subsection (9) of this section.~~

~~(iii) Additional hours may be authorized for required training under RCW 74.39A.074, 74.39A.076, and 74.39A.341.~~

~~(iv) An individual provider may appeal to the department for qualification for the hour limitation in (b)(i)(A) of this subsection if the average weekly hours the individual provider was working in January 2016 materially underrepresent the average weekly hours worked by the individual provider during the first three months of 2016.~~

~~(v) No individual provider is subject to the hour limitations in (b)(i)(A) of this subsection until the department has conducted a review of the plan of care for the consumers served by the individual provider. The department shall review plans of care expeditiously, starting with consumers connected with the most individual provider overtime;~~

~~(e) The requirement that the total number of additional hours in excess of forty hours authorized under (b) of this subsection and subsection (9) of this section are limited by the total hours as provided in subsection (10) of this section;~~

~~(d) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);~~

~~(e) The consumer's right to assign hours to one or more individual providers consistent with the rules adopted under this chapter and his or her plan of care;~~

~~(f) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;~~

~~(g) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and~~

~~(h) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (5)(h):)~~

~~(6) Nothing in this section modifies:~~

~~(a) The department's authority to deny individual provider contracts to individuals who will not be able to meet the needs of a consumer or to terminate contracts of individual providers who are not adequately meeting the needs of a particular consumer; or~~

~~(b) The consumer's right to: (i) Assign hours to one or more individual providers consistent with the rules adopted under this chapter and his or her plan of care; and (ii) select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter.~~

~~(7) At the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over ~~((employer contributions to the training partnership for the costs of: (a) Meeting all training and peer mentoring required under this chapter; and (b) other training intended to promote the career development of individual providers))~~ the following subjects:~~

~~(a) Employer contributions to the training partnership for the costs of: (i) Meeting all training and peer mentoring requirements under this chapter; and (ii) other training intended to promote the career development of individual providers; and~~

~~(b) How the department's core responsibility affects hours of work for individual providers; this subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care.~~

~~((7)) (8) The state, the department, the area agencies on aging, or their contractors under this chapter may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.~~

~~((8)) (9) Nothing in this section affects the state's responsibility with respect to unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state.~~

~~((9) The department may not pay any single individual provider more than the hours listed in subsection (5)(b) of this section unless the department authorizes additional hours under criteria established by rule. The criteria must be limited in scope to reduce the state's exposure to payment of overtime,~~

~~address travel time from worksite to worksite, and address the following needs of consumers:~~

- ~~(a) Ensuring that consumers are not at increased risk for institutionalization;~~
- ~~(b) When there is a limited number of individual providers within the geographic region of the consumer;~~
- ~~(c) When there is a limited number of individual providers available to support a consumer with complex medical and behavioral needs or specific language needs;~~
- ~~(d) Emergencies that could pose a health and safety risk for consumers; and~~
- ~~(e) Instances where the cost of the allowed hour is less than other alternatives to provide care to a consumer, distinct from any increased risk of institutionalization.~~

~~(10)(a) Each fiscal year, the department shall establish a spending plan and a system to monitor the authorization and cost of hours in excess of forty hours each workweek from subsections (5)(b) and (9) of this section beginning July 1, 2016, and each fiscal year thereafter. Expenditures for hours in excess of forty hours each workweek under subsections (5)(b) and (9) of this section shall not exceed 8.75 percent of the total average authorized personal care hours for the fiscal year as projected by the caseload forecast council. The caseload forecast council may adopt a temporary adjustment to the 8.75 percent of the total average hours projection for that fiscal year, up to a maximum of 10.0 percent, if it finds a higher percentage of overtime hours is necessitated by a shortage of individual providers to provide adequate client care, taking into consideration factors including the criteria in subsection (9) of this section. If the council elects to temporarily increase the limit, it may do so only upon a majority vote of the council.~~

~~(b) The department also shall provide expenditure reports beginning September 1, 2016, and on a quarterly basis thereafter. If the department determines, based upon quarterly expenditure reports, that the annual expenditures will exceed the limitation established in (a) of this subsection, the department shall take those actions necessary to ensure compliance with the limitation.~~

~~(c) The spending plan and expenditure reports must be submitted to the legislative fiscal committees and the joint legislative executive overtime oversight task force. The joint legislative executive overtime oversight task force members are as follows:~~

~~(i) Two members from each of the two largest caucuses of the senate, appointed by the respective caucus leaders.~~

~~(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.~~

~~(iii) The governor shall appoint members representing the department of social and health services and the office of financial management.~~

~~(iv) The governor shall appoint two members representing individual providers and two members representing consumers receiving personal care or respite care services from an individual provider.~~

~~(d) The task force shall meet at least annually, but may meet more frequently as desired by the task force. The task force shall choose cochairs, one from among the legislative members and one from among the executive branch members.~~

~~(e) The department is authorized to adopt rules, including emergency rules under RCW 34.05.350, to implement this subsection.)~~

NEW SECTION. Sec. 20. A new section is added to chapter 74.39A RCW to read as follows:

The following provisions apply only if individual providers are employed by a consumer directed employer:

(1) Consumers and prospective consumers have the right to select, schedule, supervise the work of, and dismiss any individual provider providing services to them consistent with the consumer's plan of care.

(2) Nothing in this section modifies:

(a) The consumer directed employer's authority to:

(i) Refuse to employ an individual provider who may not be able to meet the needs of a particular consumer;

(ii) Assign an individual provider who has been dismissed by a consumer to a different consumer who has selected the individual provider;

(iii) Provide information to a consumer about an individual provider's work history as an employee of the consumer directed employer; or

(iv) Terminate the provider's employment when the individual is not meeting the needs of the consumer.

(b) The consumer's right to:

(i) Assign hours to one or more individual providers consistent with this chapter, the rules adopted under this chapter, and his or her plan of care; or

(ii) Dismiss an individual provider.

Sec. 21. RCW 74.39A.275 and 2016 sp.s. c 30 s 3 are each amended to read as follows:

In order to monitor quality of care and safety of consumers, employment conditions of individual providers, and compliance with the provisions of payment of hours in excess of forty hours each workweek for any single ~~((individual))~~ individual provider, the department must provide ~~((quarterly))~~ annual expenditure reports to the legislative fiscal committees and joint legislative-executive overtime oversight task force created ~~((in RCW 74.39A.270(10))~~ under section 26 of this act. The report must contain the following information:

(1) The number of ~~((individual))~~ individual providers receiving payment for more than forty hours in a workweek, specifying how many of those ~~((individual))~~ individual providers were eligible for those hours due to meeting the conditions of ~~((RCW 74.39A.270 (5)(b)(i)(A), (b)(ii), (b)(iii), and (9))~~ section 26 of this act.

(2) The number of hours paid and the amount paid for hours in excess of forty hours in a workweek, specifying how many of those hours and payments were for ~~((individual))~~ individual providers eligible for those hours and payments due to meeting the conditions of ~~((RCW 74.39A.270 (5)(b)(i)(A), (b)(ii), (b)(iii), and (9))~~ section 26 (1) or (2) of this act.

(3) In reporting the information required in subsections (1) and (2) of this section, the department must provide total amounts, averages, and a display of the distribution of the amounts.

(4) The information required must be provided by department region and county of client, department program, and must be specified for ~~((individual))~~ individual providers by the number of clients they serve.

(5) Any personally identifiable information of consumers and individual providers used to develop this report is confidential under RCW 43.17.410 and exempt from public disclosure, inspection, or copying ~~((under))~~ in accordance with chapter 42.56RCW. However, information may be released in aggregate form, with any personally identifiable information redacted, for the purpose of statistical analysis and oversight of agency performance and actions.

Sec. 22. RCW 74.39A.300 and 2004 c 3 s 2 are each amended to read as follows:

If the department contracts with any individual providers for personal care services, funding will be determined in accordance with the following process:

(1) Upon meeting the requirements of subsection (2) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to administer ~~((chapter 3, Laws of 2002))~~ in-home care programs under this chapter and to implement the compensation and fringe benefits provisions of a collective bargaining agreement entered into under RCW 74.39A.270 or for legislation necessary to implement such agreement.

(2) A request for funds necessary to implement the compensation and fringe benefits provisions of a collective bargaining agreement entered into under RCW 74.39A.270 shall not be submitted by the governor to the legislature unless such request:

(a) Has been submitted to the director of financial management by October 1st prior to the legislative session at which the request is to be considered; and

(b) Has been certified by the director of financial management as being feasible financially for the state or reflects the binding decision of an ~~((arbitration panel))~~ arbitrator reached under RCW 74.39A.270(2)(c).

(3) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any such agreement will be reopened solely for the purpose of renegotiating the funds necessary to implement the agreement.

(4) When any increase in individual provider wages or benefits is negotiated or agreed to, no increase in wages or benefits negotiated or agreed to under this chapter will take effect unless and until, before its implementation, the department has determined that the increase is consistent with federal law and federal financial participation in the provision of services under Title XIX of the federal social security act.

(5) The governor shall periodically consult with the joint committee on employment relations established by RCW 41.80.010 regarding appropriations necessary to implement the compensation and fringe benefits provisions of any collective bargaining agreement and, upon completion of negotiations, advise the committee on the elements of the agreement and on any legislation necessary to implement such agreement.

(6) After the expiration date of any collective bargaining agreement entered into under RCW 74.39A.270, all of the terms and conditions specified in any such agreement remain in effect until the effective date of a subsequent

agreement, not to exceed one year from the expiration date stated in the agreement, except as provided in RCW 74.39A.270(~~((6)(f))~~).

(7) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

Sec. 23. RCW 74.39A.310 and 2007 c 361 s 8 are each amended to read as follows:

(1) The department shall create a formula that converts into a per-hour amount, excluding those benefits defined in subsection (3) of this section, the cost of the increase in:

(a) Wages and benefits negotiated and funded in the contract for individual providers of home care services pursuant to RCW 74.39A.270 and 74.39A.300(, into a per-hour amount, excluding those benefits defined in subsection (2) of this section); or

(b) The labor rates established under section 27 of this act.

~~((That))~~ (2) The per-hour amount from subsection (1) of this section shall be added to the statewide home care agency vendor rate and shall be used exclusively for improving the wages and benefits of home care agency workers who provide direct care. The formula shall account for:

(a) All types of wages, benefits, and compensation negotiated and funded each biennium, including but not limited to:

- (i) Regular wages;
- (ii) Benefit pay, such as vacation, sick, and holiday pay;
- (iii) Taxes on wages/benefit pay;
- (iv) Mileage; and
- (v) Contributions to a training partnership; and

(b) The increase in the average cost of worker's compensation for home care agencies and application of the increases identified in (a) of this subsection to all hours required to be paid, including travel time, of direct service workers under the wage and hour laws and associated employer taxes.

~~((2))~~ (3) The contribution rate for health care benefits, including but not limited to medical, dental, and vision benefits, for eligible agency home care workers shall be paid by the department to home care agencies at the same rate as negotiated and funded in the collective bargaining agreement for individual providers of home care services.

Sec. 24. RCW 74.39A.351 and 2012 c 164 s 404 are each amended to read as follows:

(1) The department shall offer, directly or through contract, training opportunities sufficient for a long-term care worker to accumulate seventy hours of training within a reasonable time period. For individual providers represented by an exclusive bargaining representative (~~(under RCW 74.39A.270)~~), the training opportunities shall be offered through the training partnership established under RCW 74.39A.360.

(2) Training topics offered under this section shall include, but are not limited to: Client rights; personal care; mental illness; dementia; developmental disabilities; depression; medication assistance; advanced communication skills;

positive client behavior support; developing or improving client-centered activities; dealing with wandering or aggressive client behaviors; medical conditions; nurse delegation core training; peer mentor training; and advocacy for quality care training.

(3) The department may not require long-term care workers to obtain the training described in this section.

~~((4) The requirement to offer advanced training applies beginning January 1, 2013, except that it does not apply to long-term care workers employed by community residential service businesses until January 1, 2016.))~~

Sec. 25. RCW 74.39A.360 and 2007 c 361 s 6 are each amended to read as follows:

~~((Beginning January 1, 2010, for))~~ (1) If the department has any contracts for personal care services with any individual providers represented by an exclusive bargaining representative ((under RCW 74.39A.270,);

(a) All training and peer mentoring required under this chapter shall be provided by a training partnership((-);

(b) Contributions to the partnership ((pursuant to) shall be made under a collective bargaining agreement negotiated under this chapter ((shall be made beginning July 1, 2009-);

(c) The training partnership shall provide reports as required by the department verifying that all individual providers have complied with all training requirements((-); and

(d) The exclusive bargaining representative shall designate the training partnership.

(2) When individual providers are employed by a consumer directed employer, funding for training shall be included in the labor rate component paid to the consumer directed employer as determined and funded under section 27 of this act.

NEW SECTION. Sec. 26. A new section is added to chapter 74.39A RCW to read as follows:

(1) Except as authorized by subsection (3) or (4) of this section or otherwise required by law, the department may not permit a client to use a single department-contracted individual provider for more than forty hours in one workweek.

(2) A consumer directed employer that employs individual providers:

(a) Must permit a client to use a single individual provider more than forty hours in a workweek if required by rules adopted under subsection (3) of this section;

(b) May permit an individual provider to work additional hours in accordance with subsection (4) of this section; and

(c) May permit an individual provider to work more than forty hours per workweek.

(3) The department shall adopt rules describing criteria under which a consumer may be permitted to use a single individual provider for more than forty hours per week. At a minimum, the criteria shall limit the state's exposure to exceeding the expenditure limits established in this section, require consumers to use good faith efforts to locate additional providers, address travel time from worksite to worksite, and address the following needs of consumers:

(a) Emergencies that could pose a health and safety risk for consumers; and
(b) Circumstances that could increase the risk of institutionalization without the use of overtime.

(4) An individual provider may be authorized to work more than forty hours in a workweek:

(a) If the department established a permanent workweek limit between forty and one-quarter hours and sixty-five hours for an individual provider, based upon work performed by the individual provider in January 2016, as modified by an appeal, if any; or

(b) For required training under RCW 74.39A.074, 74.39A.076, and 74.39A.341, and for required travel time between clients.

(5) The cost of overtime incurred under subsections (2)(a) and (b) and (4) of this section shall be included in a consumer directed employer labor rate determined in accordance with section 27 of this act. The following overtime costs shall not be included in the labor rate under section 27 of this act:

(a) Costs incurred under subsection (2)(c) of this section;

(b) Costs incurred by an employee of a consumer directed employer for services provided to an individual who is not a consumer;

(c) Costs for services not authorized under this chapter; and

(d) Overtime costs incurred because an employee of a consumer directed employer performed work:

(i) For both a consumer and an individual who is not a consumer; or

(ii) Worked as both an individual provider and as an employee of the licensed home care agency affiliated with the consumer directed employer.

(6) Expenditures for hours in excess of forty hours each workweek under subsections (1) and (2) of this section shall not exceed eight and one-fourth percent of the total actual authorized personal care hours for the fiscal year as projected by the caseload forecast council.

(7) The caseload forecast council may adopt a temporary adjustment to the eight and one-fourth percent of the total average in-home personal care hours projection for that fiscal year, up to a maximum of ten percent, if it finds a higher percentage of overtime hours is necessitated by a shortage of individual providers to provide adequate client care, taking into consideration factors including the criteria in subsection (1) of this section and rules adopted by the department. If the council elects to temporarily increase the limit, it may do so only upon a majority vote of the council.

(8) The department shall prepare expenditure reports beginning September 1, 2018, and on September 1st every year thereafter. The report shall include the results of the department's monitoring of authorizations and costs of hours in excess of forty hours each workweek. If the department determines that the annual expenditures will exceed the limitation established in subsection (3) of this section, the department shall take those actions necessary to ensure compliance with the limitation.

(9) The expenditure reports must be submitted to the legislative fiscal committees and the joint legislative-executive overtime oversight task force. The joint legislative-executive overtime oversight task force members are as follows:

(a) Two members from each of the two largest caucuses of the senate, appointed by the respective caucus leaders.

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(c) The governor shall appoint members representing the department of social and health services and the office of financial management.

(d) The governor shall appoint two members representing individual providers and two members representing consumers receiving personal care or respite care services from an individual provider.

(10) The task force shall meet when the department determines that it is projected to or is exceeding the expenditure limits established in subsection (6) of this section but may meet more frequently as desired by the task force. The task force shall choose cochairs, one from among the legislative members and one from among the executive branch members.

(11) The department may take appropriate corrective action, up to and including termination of an individual provider's contract, when the individual provider works more than his or her workweek limit in any given workweek.

NEW SECTION. **Sec. 27.** A new section is added to chapter 74.39A RCW to read as follows:

If the department contracts with a consumer directed employer:

(1) In addition to overtime and compensable travel time set forth in section 26 of this act, the initial labor rates shall be paid as described in the most recent collective bargaining agreement between the governor and the service employees international union 775, plus the hourly roll-up costs of any additional legally required benefits or labor costs, until subsequent rates can be established in accordance with this section.

(2) A fourteen person rate-setting board is established to evaluate and propose changes in the rates paid to the consumer directed employer.

(a) The following four members shall be voting members:

(i) One representative from the governor's office;

(ii) One representative from the department;

(iii) One representative from the consumer directed employer; and

(iv) One designee from the exclusive bargaining representative of individual providers or, in the absence of an exclusive bargaining representative, a designee from the consumer directed employer workforce chosen by the employees of the consumer directed employer.

(b) The following nine members of the board shall be nonvoting advisory members:

(i) Four legislators, one member from each caucus of the house of representatives and the senate;

(ii) One representative from the state council on aging, appointed by the governor;

(iii) One representative of an organization representing people with intellectual or developmental disabilities appointed by the governor;

(iv) One representative of an organization representing people with physical disabilities appointed by the governor;

(v) One representative from the licensed home care agency industry chosen by the state's largest association of home care agencies that primarily serves state-funded clients; and

(vi) One home care worker chosen by the state's largest organization of home care workers.

(c) The governor's appointments shall be made by April 1st in even-numbered years.

(3) Beginning in the year following the establishment of the initial rate under subsection (1) of this section, and in every even-numbered year thereafter, the rate-setting board shall attempt to determine a proposed labor rate, including a specific amount for health benefits by considering the factors listed in RCW 41.56.465(5). In addition, the rate-setting board shall attempt to determine an administrative rate for the consumer directed employer.

(4) At the commencement of the board's rate-setting activities, the four voting members must first attempt to select a fifth voting member, who will chair the rate-setting panel and will cast a tie-breaking vote if the four voting members identified in subsection (2) of this section are unable to reach an agreement on the labor rate.

(a) On the first occasion that the four voting members fail to select a tie-breaking member by a majority vote, the fifth member will be selected as follows:

(i) The panel member representing the governor's office shall request a list of five qualified arbitrators from the federal mediation and conciliation service.

(ii) If a majority of the voting members of the panel cannot agree on the selection of a neutral arbitrator from the list, the representative from the consumer directed employer will strike a name from the list first. The representative from the governor's office shall then strike a name from the list, the designee from the exclusive bargaining representative or, in the absence of an exclusive bargaining representative, the designee from the consumer directed employer workforce shall strike a name from the list, and finally the representative from the department shall strike a name from the list.

(iii) The name of the arbitrator remaining after the final strike shall be the fifth member of the panel.

(iv) If that person is not willing or available to be the fifth panel member, the second to last person remaining on the list shall be asked to be the fifth panel member. If the second to last person is not willing or available, the third to last person shall be asked to be the fifth member. This process of selecting an arbitrator shall be continued until a fifth member of the panel is appointed.

(b) On the next occasion that the four voting members fail to select a fifth tie-breaking member by a majority vote, the fifth member will be selected using the method described in (a) of this subsection except that the order of panel members striking names from the list, described in (a)(ii) of this subsection, shall be reversed.

(c) On each successive occasion that the four voting members fail to select a fifth tie-breaking member by a majority vote, the order of panel members striking names from the list will continue to alternate between the order described in (a)(ii) and (b) of this subsection.

(5) If an agreement on a proposed labor rate, an administrative rate, or both, is not reached by a majority of the voting members of the rate-setting board prior to July 1st, then:

(a) The labor rate shall be determined by the vote of the fifth member, who was selected in accordance with subsections (2) and (4) of this section; and

(b) The administrative rate shall be determined by the department.

(6) After the rates have been determined in accordance with subsections (3) through (5) of this section, they shall be submitted to the director of the office of financial management by October 1st prior to the legislative session during which the requests are to be considered for review. If the director of the office of financial management certifies them as being feasible financially for the state, the governor shall include a request for funds necessary to implement the proposed rates as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. The legislature shall approve or reject the request for funds as a whole.

(7) If the legislature rejects the request under subsection (5) of this section, the matter shall return to the rate-setting board established under this section for further consideration. Until the legislature approves a request for funds under this section, the current labor rate shall stay in effect.

(8) The labor rate approved by the legislature shall be an hourly rate paid to the consumer directed employer. The labor rate shall be used exclusively for paying the wages, associated taxes, and benefits of individual providers. The consumer directed employer shall have full discretion to set wages and benefits for individual providers, except as provided in: (a) Subsection (9) of this section; (b) any specific legislative appropriation requirement; or (c) a collective bargaining agreement, if applicable.

(9) The labor rate shall include a specific hourly amount that the consumer directed employer may use only for health benefits for individual providers.

(10) For the purpose of this section:

(a) "Labor rate" is defined as that portion of the consumer directed employer's hourly rate that is to be used by the consumer directed employer to compensate its workers, including wages, benefits, and any associated taxes.

(b) "Administrative rate" is defined as that portion of the consumer directed employer's hourly rate that is to be used by the consumer directed employer to perform its administrative duties.

Sec. 28. RCW 41.56.026 and 2002 c 3 s 12 are each amended to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter applies to individual providers who have contracts with the department under chapter 74.39A RCW (~~(74.39A.270 and 74.39A.300)~~).

Sec. 29. RCW 41.56.113 and 2010 c 296 s 4 are each amended to read as follows:

(1) This subsection (1) applies only if the state makes the payments directly to a provider.

(a) Upon the written authorization of an individual provider who contracts with the department of social and health services, a family child care provider, an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to (c) of this subsection, deduct from the payments to an individual provider who contracts with the department of social and health services, a family child care provider, an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the

exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers who contract with the department of social and health services, family child care providers, adult family home providers, or language access providers enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (c) of this subsection, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under ~~((a))~~ (b)(i) of this subsection, the state, as payor, but not as the employer, shall, subject to (c) of this subsection, make such deductions upon written authorization of the individual provider, family child care provider, adult family home provider, or language access provider.

(c)(i) The initial additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(ii) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(d) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.

(2) This subsection (2) applies only if the state does not make the payments directly to a language access provider.

(a) Upon the written authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's

exclusive bargaining representative, the state shall require through its contracts with third parties that:

(i) The monthly amount of dues as certified by the secretary of the exclusive bargaining representative be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and

(ii) A record showing that dues have been deducted as specified in (a)(i) of this subsection be provided to the state.

(b) If the governor and the exclusive bargaining representative of the bargaining unit of language access providers enter into a collective bargaining agreement that includes a union security provision authorized in RCW 41.56.122, the state shall enforce the agreement by requiring through its contracts with third parties that:

(i) The monthly amount of dues required for membership in the exclusive bargaining representative as certified by the secretary of the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues, be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and

(ii) A record showing that dues or fees have been deducted as specified in (a)(i) of this subsection be provided to the state.

(3) This subsection (3) applies only to individual providers who contract with the department of social and health services. If the governor and the exclusive bargaining representative of a bargaining unit of individual providers enter into a collective bargaining agreement that meets the requirements in subsection (1)(b)(i) or (ii) of this section, and the state as payor, but not as the employer, contracts with a third-party entity to perform its obligations as set forth in those subsections, and that third-party contracts with the exclusive bargaining representative to perform voluntary deductions for individual providers, the exclusive bargaining representative may direct the third-party to make the deductions required by the collective bargaining agreement, at the expense of the exclusive bargaining representative, so long as such deductions by the exclusive bargaining representative do not conflict with any federal or state law.

NEW SECTION. Sec. 30. Upon the governor's signature of this act into law, the department of social and health services may begin the procurement process to select a consumer directed employer. The department shall initiate the transition of individual providers to the consumer directed employer no later than July 1, 2021, when it determines it is ready to do so based upon a readiness review conducted by the department.

Nothing in this act shall be deemed to result in individual providers becoming state employees or vesting in the state's public employment retirement system.

NEW SECTION. Sec. 31. 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. 32. RCW 74.39A.220 (Findings) and 2011 1st sp.s. c 21 s 6 & 2002 c 3 s 1 are each repealed.

Passed by the Senate February 10, 2018.

Passed by the House March 1, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 279

[Senate Bill 6363]

MILWAUKEE ROAD CORRIDOR

AN ACT Relating to a rail line over the Milwaukee Road corridor; and amending RCW 79A.05.115, 79A.05.120, 79A.05.125, 79A.05.130, and 79.73.010.

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

Sec. 1. RCW 79A.05.115 and 2009 c 338 s 1 are each amended to read as follows:

~~((1))~~ The commission shall develop and maintain a cross-state trail facility with appropriate appurtenances.

~~((2) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019.)~~

Sec. 2. RCW 79A.05.120 and 2009 c 338 s 2 are each amended to read as follows:

(1) To facilitate completion of a cross-state trail under the management of the parks and recreation commission, management and control of lands known as the Milwaukee Road corridor shall be transferred between state agencies as follows on the date a franchise agreement is entered into for a rail line over portions of the Milwaukee Road corridor:

(a) Portions owned by the state between Ellensburg and the Columbia river that are managed by the parks and recreation commission are transferred to the department of transportation;

(b) Portions owned by the state between the west side of the Columbia river and Royal City Junction and between Warden and Lind that are managed by the department of natural resources are transferred to the department of transportation;

(c) Portions owned by the state between Lind and the Idaho border that are managed by the department of natural resources are transferred to the parks and recreation commission as of June 7, 2006; and

(d) Portions owned by the state between Lind and Marengo are transferred to the department of transportation.

(2) The department of natural resources may, by mutual agreement with the parks and recreation commission, transfer management authority over portions of the Milwaukee Road corridor to the state parks and recreation commission, at any time prior to the department of transportation entering into a franchise agreement.

~~(3) This section expires July 1, 2019, and~~ (3) No transfers shall occur unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo ~~((by July 1, 2019))~~.

Sec. 3. RCW 79A.05.125 and 2009 c 338 s 3 are each amended to read as follows:

(1) The department of transportation shall negotiate one or more franchises with rail carriers to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and Marengo. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right-of-way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the senate and house transportation committees, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

~~((4) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019.))~~

Sec. 4. RCW 79A.05.130 and 2009 c 338 s 4 are each amended to read as follows:

(1) The cross-state trail account is created in the custody of the state treasurer. Eleven million five hundred thousand dollars is provided to the state parks and recreation commission to acquire, construct, and maintain a cross-state trail. This amount may consist of: (a) Legislative appropriations intended for trail development; (b) payments for the purchase of federally granted trust lands; and (c) franchise fees derived from use of the rail corridor. The legislature intends that any amounts provided from the transportation fund are to be repaid to the transportation fund from franchise fees.

(2) The department shall deposit franchise fees from use of the rail corridor according to the following priority: (a) To the department of transportation for actual costs incurred in administering the franchise; (b) to the department of natural resources as compensation for use of federally granted trust lands in the rail corridor; (c) to the transportation fund to reimburse any amounts transferred or appropriated from that fund by the legislature for trail development; (d) to the cross-state trail account, not to exceed eleven million five hundred thousand dollars, provided that this amount shall be reduced proportionate with any funds transferred or appropriated by the 1996 legislature or paid from franchise fees for the purchase of federally granted trust lands or for trail development; and (e) the remainder to the essential rail assistance account, created under RCW 47.76.250. Expenditures from the cross-state trail account may be used only for the acquisition, development, operation, and maintenance of the cross-state trail. Only the director of the state parks and recreation commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The commission may acquire land from willing sellers for the cross-state trail, but not by eminent domain.

(4) The commission shall adopt rules describing the cross-state trail.

~~((5) This section expires July 1, 2019, unless the department of transportation enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, 2019.))~~

Sec. 5. RCW 79.73.010 and 2003 c 334 s 456 are each amended to read as follows:

Except as provided in chapter 79A.05 RCW, the portion of the Milwaukee Road corridor from the west end of the bridge structure over the Columbia river, which point is located in section 34, township 16 north, range 23 east, W.M., to the Idaho border purchased by the state shall be under the management and control of the department.

Passed by the Senate March 5, 2018.

Passed by the House March 2, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 280

[Senate Bill 6368]

AGRICULTURAL FAIRS

AN ACT Relating to updating agricultural fairs, youth shows, and exhibitions law; amending RCW 15.76.100, 15.76.110, 15.76.115, 15.76.120, 15.76.140, 15.76.150, 15.76.160, and 15.76.170; and repealing RCW 15.76.130.

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

Sec. 1. RCW 15.76.100 and 2012 c 221 s 1 are each amended to read as follows:

It is hereby declared that it is in the public interest to hold agricultural fairs, including the exhibition of livestock and agricultural produce of all kinds, as

well as related arts and manufactures; including products of the farm home and educational contest, displays, and demonstrations designed to train youth and to promote the welfare of farm people and rural ~~((living))~~ economic development. Fairs qualifying hereunder shall be eligible for allocations from the state fair fund and for capital funding when appropriated to the department of agriculture, as provided in this chapter.

Sec. 2. RCW 15.76.110 and 2012 c 221 s 2 are each amended to read as follows:

(1) "Agricultural fair" means a fair or exhibition which is intended to promote agriculture and support rural economic development by including a balanced variety of exhibits of livestock and agricultural products, as well as related arts and manufactures; including products of the farm home~~((;))~~ and educational contests, displays, and demonstrations designed to train youth and to promote the welfare of farm people and rural living.

(2) "Department" means the state department of agriculture.

(3) "Director" means the director of agriculture.

(4) "Commission" means the fairs commission created by this chapter.

(5) "State allocations" means allocations from the state fair fund.

Sec. 3. RCW 15.76.115 and 2011 1st sp.s. c 50 s 926 are each amended to read as follows:

The fair fund is created in the custody of the state treasury. All moneys received by the department of agriculture for the purposes of this fund and from RCW 67.16.105~~((7))~~) shall be deposited into the fund. ~~((At the beginning of fiscal year 2002 and))~~ Each fiscal year ~~((thereafter))~~, the state treasurer shall transfer into the fair fund from the general fund the sum of two million dollars~~((; except for fiscal year 2011 the state treasurer shall transfer into the fair fund from the general fund the sum of one million one hundred three thousand dollars, and except during fiscal year 2012 and fiscal year 2013 the state treasurer shall transfer into the fair fund from the general fund the sum of one million seven hundred fifty thousand dollars each fiscal year))~~. Expenditures from the fund may be used only for assisting fairs in the manner provided in this chapter. Only the director of agriculture or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 4. RCW 15.76.120 and 1993 c 163 s 1 are each amended to read as follows:

~~((For the purposes of this chapter all agricultural fairs in the state which may become eligible for state allocations shall be divided into categories, to wit:~~

~~(1) "Area fairs" those not under the jurisdiction of boards of county commissioners; organized to serve an area larger than one county, having both open and junior participation, and having an extensive diversification of classes, displays and exhibits;~~

~~(2) "County and district fairs" organized to serve the interests of single counties other than those in which a recognized area fair or a district fair as defined in RCW 36.37.050, is held and which are under the direct control and supervision of the county commissioners of the respective counties, which have both open and junior participation, but whose classes, displays and exhibits may be more restricted or limited than in the case of area or district fairs. There may~~

~~be but one county fair in a single county: PROVIDED, HOWEVER, That the county commissioners of two or more counties may, by resolution, jointly sponsor a county fair.~~

~~(3) "Community fairs" organized primarily to serve a smaller area than an area or county fair, which may have open or junior classes, displays, or exhibits. There may be more than one community fair in a county.~~

~~(4) "Youth shows and fairs" approved by duly constituted agents of Washington State University or the office of the superintendent of public instruction, serving three or more counties, and having for their purpose the education and training of rural youth in matters of rural living.)~~ The following categories of agricultural fairs held in the state may be eligible for state allocations:

(1) Area fairs, which serve an area larger than one county; have both open and junior participation and an extensive diversification of classes, displays, and exhibits; and are not under county commissioner jurisdiction;

(2) County fairs, organized to serve the interests of single counties; have both open and junior participation but not as extensive diversification of classes, displays, and exhibits as area fairs; and are under county commissioner jurisdiction. An individual county must have no more than one county fair, but the county commissioners of two or more counties, by resolution, may jointly sponsor a county or district fair as limited by RCW 36.37.050;

(3) Community fairs, which serve an area smaller than area or county fairs and have either or both open or junior classes, displays, or exhibits. There may be more than one community fair in a county; and

(4) Youth shows and fairs, which serve three or more counties, have the purpose of educating and training rural youth in matters of rural living, and are approved under the authority of the Washington State University or the office of the superintendent of public instruction.

Sec. 5. RCW 15.76.140 and 2001 c 157 s 1 are each amended to read as follows:

(1) Before any agricultural fair may become eligible for state allocations it must have conducted two successful consecutive annual fairs immediately preceding application for such allocations, and have its application therefor approved by the director.

~~(2) ((Beginning January 1, 1994, the director may waive this requirement for an agricultural fair that through itself or its predecessor sponsoring organization has successfully operated at least two years as a county fair and that reorganizes as an area fair))~~ The director may waive the requirement in subsection (1) of this section if:

(a) A county fair reorganizing as an area fair has, through a current or predecessor organization, received an allocation from the fair fund as a county fair for at least two years; or

(b) A fair is not held due to a natural disaster such as a flood or wildfire.

Sec. 6. RCW 15.76.150 and 2002 c 313 s 113 are each amended to read as follows:

(1) Using the department's forms, the board of trustees of any fair or youth show may apply to the department for allocations from the state fair fund.

(2)(a) The director ((shall have the authority to make allocations from)) may allocate ninety-five percent of the state fair fund, including its interest income under RCW 43.79A.040, ((exclusively as follows: Eighty-five percent to participating)) to applicant agricultural fairs, distributed according to ((the)) merit ((of such fairs)) as measured by a merit rating to be set up by the director. This merit rating ((shall)) must take into account such factors as area and population served, open and/or youth participation, attendance, gate receipts, number and type of exhibits, premiums ((and prizes)) paid, community support, evidence of successful achievement of the aims and purposes of the fair, extent of improvements made to grounds and facilities from year to year, and overall condition and appearance of grounds and facilities.

(b) The department may use up to ten percent of the amount allocated in (a) of this subsection for special assistance to any participating fair or fairs.

(c) The department may use the remaining ((fifteen)) five percent of money in the state fair fund ((may be used for special assistance to any participating fair or fairs and for administrative)) for expenses incurred in the administration of this chapter ((only, including expenses incurred by)), which may include the fair commission ((as may be)) expenses approved by the director((: PROVIDED, That not more than five percent of the state fair fund may be used for such expenses)).

(3) The division and payment of funds authorized in this section shall occur at such times as the director may prescribe.

Sec. 7. RCW 15.76.160 and 1961 c 61 s 7 are each amended to read as follows:

Any state allocations made under this chapter ~~((to fairs or youth shows, other than fairs or youth shows operated by or for and under the control of one or more counties or other agencies, as defined in subsection (4) of RCW 15.76.120,))~~ shall be made only as a reimbursement in whole or in part for ~~((the payment of premiums and prizes awarded to participants in such fairs or youth shows))~~ operating expenses incurred. State allocations to fairs under the control of one or more counties ~~((shall))~~ must be made to the county treasurer of the county in which the fair is held. State allocations to other ~~((publicly sponsored))~~ fairs or youth shows ~~((shall))~~ under RCW 15.76.120 must be made to ~~((such))~~ sponsors of such fairs or shows. ~~((The board of trustees of any private fair or youth show, as part of its application for any allocation under this chapter, and as a condition of such allocation, shall submit to the director a list of premiums and prizes awarded to participants in its last preceding fair or youth show. Such list shall contain the names of all premium and prize winners, a description of each prize or premium, including its amount or value, and the total values of all such awards. The list shall be in such form and contain such further information as the director may require, and shall be verified as to its accuracy by the oath of the president of the fair or youth show, together with that of the secretary or manager, subscribed thereon.))~~

Sec. 8. RCW 15.76.170 and 2010 c 8 s 6100 are each amended to read as follows:

There is hereby created a fairs commission to consist of the director of agriculture as ex officio member and chair, and seven members appointed by the director to be persons who are interested in fair activities; at least three of whom

shall be from the east side of the Cascades and three from the west side of the Cascades and one member at large. ~~((The first appointment shall be: Three for a one year term, two for a two year term, and two for a three year term, and thereafter the appointments shall be for three year terms.))~~ Appointments are for three-year terms, except for an appointment filling a vacancy, which is for the remainder of the original term.

Appointed members of the commission shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses, in accordance with RCW 43.03.050 and 43.03.060 payable on proper vouchers submitted to and approved by the director, and payable from that portion of the state fair fund set aside for administrative costs under this chapter. The commission shall meet at the call of the chair, but at least annually. It shall be the duty of the commission to act as an advisory committee to the director, to evaluate fairs to help determine merit under RCW 15.76.150(2), to assist in the preparation of the merit rating used in determining allocations to be made to fairs, and to perform such other duties as may be required by the director from time to time.

NEW SECTION. **Sec. 9.** RCW 15.76.130 (Application for state allocation—Purposes—Form) and 1961 c 61 s 4 are each repealed.

Passed by the Senate February 12, 2018.

Passed by the House March 2, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 281

[Senate Bill 6369]

CERTIFICATES OF VETERINARY INSPECTION--FEED LOTS

AN ACT Relating to certificates of veterinary inspection for animals brought into the state; and amending RCW 16.36.140.

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

Sec. 1. RCW 16.36.140 and 2011 c 204 s 12 are each amended to read as follows:

(1) It is unlawful for a person to bring an animal into Washington state without first securing a certificate of veterinary inspection, reviewed by the state veterinarian of the state of origin, verifying that the animal meets Washington state animal health requirements. This subsection does not apply to animals that:

(a) Have been exempted by the director by rule; or

(b) Will be delivered within twelve hours after entry into Washington state to:

(i) ~~((An approved, inspected feed lot for slaughter;~~

~~((ii)))~~ A federally inspected slaughter plant; or

~~((iii)))~~ (ii) A licensed public livestock market for sale and subsequent delivery within twelve hours to

~~((A) An approved, inspected feed lot for slaughter; or~~

~~((B)))~~ a federally inspected slaughter plant.

(2) The director may monitor animals entering Washington state. Persons importing, transporting, receiving, feeding, or housing imported animals shall:

(a) Comply with the requirement and any exemptions specified in subsection (1) of this section; and

(b) Make the animal and related records available for inspection by the director.

(3) The director may adopt and enforce rules necessary to carry out the purpose and provisions of this section.

Passed by the Senate February 13, 2018.

Passed by the House February 28, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 282

[Senate Bill 6393]

SELF-INSURED AND STATE FUND PENSION LIABILITIES--CALCULATION

AN ACT Relating to allowing the department to use a different assumption for annual investment returns for the reserve funds for self-insured and state fund pension claims; amending RCW 51.44.070 and 51.44.140; and adding a new section to chapter 51.44 RCW.

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

Sec. 1. RCW 51.44.070 and 1992 c 124 s 1 are each amended to read as follows:

~~((1))~~ For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class and/or appropriate account to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. Such annuity values shall be based upon rates of mortality, disability, remarriage, and interest as determined by the department, taking into account the experience of the reserve fund in such respects.

~~((Similarly, a self-insurer in these circumstances shall pay into the reserve fund a sum of money computed in the same manner, and the disbursements therefrom shall be made as in other cases.~~

~~(2) As an alternative to payment procedures otherwise provided under law, in the event of death or permanent total disability to workers of self-insured employers, a self-insured employer may upon establishment of such obligation file with the department a bond, an assignment of account from a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington, or purchase an annuity, in an amount deemed by the department to be reasonably sufficient to insure payment of the pension benefits provided by law. Any purchase of an annuity shall be from an institution meeting the following minimum requirements: (a) The institution must be rated no less than "A+" by A.M. Best, and no less than "AA" by Moody's and by Standard & Poor's; (b) the value of the assets of the institution must not be less than ten billion dollars; (c) not more than ten percent of the institution's assets may include bonds that are rated less than "BBB" by Moody's and Standard & Poor's; (d) not more than five percent of the assets may be held as equity in real estate; and (e) not more than twenty-five percent of the assets may be first~~

~~mortgages, and not more than five percent may be second mortgages. The department shall adopt rules governing assignments of account and annuities. Such rules shall ensure that the funds are available if needed, even in the case of failure of the banking institution, the institution authorized to provide annuities, or the employer's business.~~

~~The annuity value for every such case shall be determined by the department based upon the department's experience as to rates of mortality, disability, remarriage, and interest. The amount of the required bond, assignment of account, or annuity may be reviewed and adjusted periodically by the department, based upon periodic redeterminations by the department as to the outstanding annuity value for the case.~~

~~Under such alternative, the department shall administer the payment of this obligation to the beneficiary or beneficiaries. The department shall be reimbursed for all such payments from the self-insured employer through periodic charges not less than quarterly in a manner to be determined by the director. The self-insured employer shall additionally pay to the department a deposit equal to the first three months' payments otherwise required under RCW 51.32.050 and 51.32.060. Such deposit shall be placed in the reserve fund in accordance with RCW 51.44.140 and shall be returned to the respective self-insured employer when monthly payments are no longer required for such particular obligation.~~

~~If a self-insurer delays or refuses to reimburse the department beyond fifteen days after the reimbursement charges become due, there shall be a penalty paid by the self-insurer upon order of the director of an additional amount equal to twenty five percent of the amount then due which shall be paid into the pension reserve fund. Such an order shall conform to the requirements of RCW 51.52.050.)~~

NEW SECTION, Sec. 2. A new section is added to chapter 51.44 RCW to read as follows:

(1) For every case resulting in death or permanent total disability, a self-insurer in these circumstances shall pay into the reserve fund a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. Such annuity values shall be based upon rates of mortality, disability, remarriage, and interest as determined by the department, taking into account the experience of the reserve fund in such respects.

(2) As an alternative to payment procedures otherwise provided under law, in the event of death or permanent total disability to workers of self-insured employers, a self-insured employer may upon establishment of such obligation file with the department a bond, an assignment of account from a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington, or purchase an annuity, in an amount deemed by the department to be reasonably sufficient to insure payment of the pension benefits provided by law. Any purchase of an annuity shall be from an institution meeting the following minimum requirements: (a) The institution must be rated no less than "A+" by A.M. Best, and no less than "AA" by Moody's and by Standard & Poor's; (b) the value of the assets of the institution must not be less than ten billion dollars; (c) not more than ten percent of the institution's assets may

include bonds that are rated less than "BBB" by Moody's and Standard & Poor's; (d) not more than five percent of the assets may be held as equity in real estate; and (e) not more than twenty-five percent of the assets may be first mortgages, and not more than five percent may be second mortgages. The department shall adopt rules governing assignments of account and annuities. Such rules shall ensure that the funds are available if needed, even in the case of failure of the banking institution, the institution authorized to provide annuities, or the employer's business.

The annuity value for every such case shall be determined by the department based upon the department's experience as to rates of mortality, disability, remarriage, and interest. The amount of the required bond, assignment of account, or annuity may be reviewed and adjusted periodically by the department, based upon periodic redeterminations by the department as to the outstanding annuity value for the case.

Under such an alternative, the department shall administer the payment of this obligation to the beneficiary or beneficiaries. The department shall be reimbursed for all such payments from the self-insured employer through periodic charges not less than quarterly in a manner to be determined by the director. The self-insured employer shall additionally pay to the department a deposit equal to the first three months' payments otherwise required under RCW 51.32.050 and 51.32.060. Such deposit shall be placed in the reserve fund in accordance with RCW 51.44.140 and shall be returned to the respective self-insured employer when monthly payments are no longer required for such particular obligation.

If a self-insurer delays or refuses to reimburse the department beyond fifteen days after the reimbursement charges become due, there shall be a penalty paid by the self-insurer upon order of the director of an additional amount equal to twenty-five percent of the amount then due which shall be paid into the pension reserve fund. Such an order shall conform to the requirements of RCW 51.52.050.

Sec. 3. RCW 51.44.140 and 1972 ex.s. c 43 s 30 are each amended to read as follows:

Each self-insurer shall make such deposits, into the reserve fund, as the department shall require pursuant to (~~RCW 51.44.070~~) section 2 of this act, as are necessary to guarantee the payments of the pensions established pursuant to RCW 51.32.050 and 51.32.060.

Each self-insurer shall have an account within the reserve fund. Each such account shall be credited with its proportionate share of interest or other earnings as determined in RCW 51.44.080.

Each such account in the reserve fund shall be expeted (~~by the insurance commissioner~~) as required in RCW 51.44.080. Any surpluses shall be forthwith returned to the respective self-insurers, and each deficit shall forthwith be made good to the reserve fund by the self-insurer.

Passed by the Senate February 12, 2018.

Passed by the House March 2, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 283

[Substitute Senate Bill 6399]

TELEMEDICINE PAYMENT PARITY--RECOMMENDATIONS

AN ACT Relating to telemedicine payment parity; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature understands that telemedicine is an evolving field, and that there are variances between federal and state programs in how services are paid. It is the intent of the legislature to set the groundwork for future payment prospects. One of the legislature's goals for telemedicine is to reduce premiums and overall out-of-pocket spending for patients. The legislature understands that telemedicine has the potential to save lives, prevent unnecessary visits to the emergency room, and help address the opioid epidemic. Telemedicine provides increasingly cohesive care in the areas of diabetes, mental health, stroke, chronic pain, and opioid dependence treatment. The legislature intends to provide services including preventive, follow-up, and lifesaving treatments by utilizing telemedicine, and to improve outcomes for patients. The legislature intends to utilize recommendations from the telemedicine collaborative to establish a telemedicine payment parity pilot program to evaluate the benefits of telemedicine.

NEW SECTION. Sec. 2. (1)(a) The collaborative shall review the concept of telemedicine payment parity and develop recommendations on reimbursing for telemedicine and store and forward technology at the same rate as if the service were provided in person by the provider, for treatment of:

- (i) Diabetes mellitus;
- (ii) Stroke;
- (iii) Mental health conditions;
- (iv) Opioid dependence; and
- (v) Chronic pain.

(b) The collaborative shall include in its recommendations, a review of various reimbursement methodologies, and shall consider whether and to what extent facility fees should be reimbursed in the provision of telemedicine services.

(c) The collaborative shall include in its recommendations, parameters for a three to five-year telemedicine payment parity pilot program, utilizing a recommended payment parity and facility fee reimbursement methodology for reimbursing services utilized to treat the five conditions listed in subsection (1)(a) of this section. The pilot program parameters must outline procedures for the collaborative, in conjunction with the office of financial management, to analyze claims data in the all-payer health care claims database to determine if any savings or increased telemedicine or store and forward utilization are realized through the pilot program.

(d) The collaborative shall also include in its recommendations, the design of a training program to teach health care professionals about telemedicine and proper billing methodologies.

(2) By December 1, 2018, and in compliance with RCW 43.01.036, the collaborative must report its recommendations, including the parameters for a telemedicine payment parity pilot program, to the health care committees of the legislature.

(3) For purposes of this section, "the collaborative" means the collaborative for the advancement of telemedicine created by section 2, chapter 68, Laws of 2016.

Passed by the Senate February 9, 2018.

Passed by the House February 27, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 284

[Senate Bill 6407]

CHILD WELFARE SERVICES--PRIVATE CASE MANAGEMENT--NETWORK ADMINISTRATORS

AN ACT Relating to private case management of child welfare services; amending RCW 13.34.025, 13.34.030, 13.34.030, 13.34.065, 13.34.067, 13.34.094, 13.34.096, 13.34.096, 13.34.125, 13.34.130, 13.34.132, 13.34.136, 13.34.136, 13.34.174, 13.34.176, 13.34.180, 13.34.180, 13.34.210, 13.34.215, 13.34.233, 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.370, 13.34.380, 13.34.385, 13.34.400, 26.44.020, 26.44.020, 74.13.010, 74.13.020, 74.13.020, 74.13.0311, 74.13.042, 74.13.045, 74.13.055, 74.13.065, 74.13.170, 74.13.280, 74.13.283, 74.13.285, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600, 74.13.640, 74.13.650, 74.13B.020, 74.15.010, 74.15.020, and 74.15.020; reenacting and amending RCW 13.34.138, 13.34.145, 13.34.155, 74.13.031, 74.13.036, and 74.15.100; repealing RCW 74.13.320, 74.13.360, 74.13.362, 74.13.364, 74.13.366, 74.13.370, 74.13.372, and 43.10.280; providing an effective date; and providing an expiration date.

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

Sec. 1. RCW 13.34.025 and 2009 c 520 s 20 are each amended to read as follows:

(1) The department and (~~(supervising)~~) agencies shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department and (~~(supervising)~~) agencies must:

(a) Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular visits with each other, as appropriate. Assessment criteria should screen for multiple needs;

(b) Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and

(c) Access training for department and (~~(supervising)~~) agency staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

(2) The department shall coordinate within the administrations of the department, and with contracted service providers (~~(including supervising agencies)~~), to ensure that parents in dependency proceedings under this chapter receive priority access to remedial services recommended by the department (~~(or supervising agency)~~) in its social study or ordered by the court for the purpose of correcting any parental deficiencies identified in the dependency proceeding that are capable of being corrected in the foreseeable future. Services may also be provided to caregivers other than the parents as identified in RCW 13.34.138.

(a) For purposes of this chapter, remedial services are those services defined in the federal adoption and safe families act as time-limited family reunification

services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities.

(b) The department shall provide funds for remedial services if the parent is unable to pay to the extent funding is appropriated in the operating budget or otherwise available to the department for such specific services. As a condition for receiving funded remedial services, the court may inquire into the parent's ability to pay for all or part of such services or may require that the parent make appropriate applications for funding to alternative funding sources for such services.

(c) If court-ordered remedial services are unavailable for any reason, including lack of funding, lack of services, or language barriers, the department ~~((or supervising agency))~~ shall promptly notify the court that the parent is unable to engage in the treatment due to the inability to access such services.

(d) This section does not create an entitlement to services and does not create judicial authority to order the provision of services except for the specific purpose of making reasonable efforts to remedy parental deficiencies identified in a dependency proceeding under this chapter.

Sec. 2. RCW 13.34.030 and 2017 c 276 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" means:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

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

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

- (a) Has been abandoned;
- (b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;
- (c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or
- (d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Housing assistance" means appropriate referrals by the department or other ((supervising)) agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(14) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(16) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(17) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26.101, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(18) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(19) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(20) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(21) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and

have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(22) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~(23) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.~~

~~(24))~~ "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 3. RCW 13.34.030 and 2017 3rd sp.s. c 6 s 302 are each amended to read as follows:

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

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child," "juvenile," and "youth" mean:

(a) Any individual under the age of eighteen years; or

(b) Any individual age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent

custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of children, youth, and families.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Is receiving extended foster care services, as authorized by RCW 74.13.031.

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

(8) "Educational liaison" means a person who has been appointed by the court to fulfill responsibilities outlined in RCW 13.34.046.

(9) "Extended foster care services" means residential and other support services the department is authorized to provide under RCW 74.13.031. These services may include placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

(10) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding, including a guardian appointed pursuant to chapter 13.36 RCW; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(11) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(12) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(13) "Housing assistance" means appropriate referrals by the department or other ~~(supervising)~~ agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(14) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(15) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

(16) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(17) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26.101, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(18) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(19) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(20) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in RCW 13.38.040.

(21) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the

services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(22) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

(23) (~~"Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.~~

(24)) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 4. RCW 13.34.065 and 2013 c 162 s 6 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, (~~in those areas in which child welfare services are being provided by a supervising agency, the supervising agency shall assume case~~

~~management responsibilities of the case.))~~ the department ((~~or supervising agency~~)) shall submit a recommendation to the court as to the further need for shelter care in all cases in which the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the department to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of

suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the department (~~(or supervising agency)~~) the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in RCW 13.38.040, whether the provisions of the federal Indian child welfare act or chapter 13.38 RCW apply, and whether there is compliance with the federal Indian child welfare act and chapter 13.38 RCW, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. If such relative or other suitable person appears otherwise suitable and competent to provide care and treatment, the fingerprint-based background check need not be completed before placement, but as soon as possible after placement. The court must also determine whether placement with the relative or other suitable person is in the

child's best interests. The relative or other suitable person must be willing and available to:

- (i) Care for the child and be able to meet any special needs of the child;
- (ii) Facilitate the child's visitation with siblings, if such visitation is part of the ~~((supervising agency's))~~ department's plan or is ordered by the court; and
- (iii) Cooperate with the department ~~((or supervising agency))~~ in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the ~~((supervising agency))~~ department shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative or other suitable person is not available, the court shall order continued shelter care and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or ~~((supervising))~~ agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under (b) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement

shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 5. RCW 13.34.067 and 2013 c 173 s 1 are each amended to read as follows:

(1)(a) Following shelter care and no later than thirty days prior to fact-finding, the department (~~((or supervising agency))~~) shall convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department (~~((or supervising agency))~~) and the parent regarding voluntary services for the parent.

(b) The case conference shall include the parent, counsel for the parent, caseworker, counsel for the state, guardian ad litem, counsel for the child, and any other person agreed upon by the parties. Once the shelter care order is entered, the department (~~((or supervising agency))~~) is not required to provide additional notice of the case conference to any participants in the case conference.

(c) The written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific services to be provided to the parent.

(d) The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department (~~((or supervising agency))~~), upon the parent's request, shall convene a case conference.

(3) If a case conference is convened pursuant to subsection (1) or (2) of this section and the parent is unable to participate in person due to incarceration, the parent must have the option to participate through the use of a teleconference or videoconference.

Sec. 6. RCW 13.34.094 and 2009 c 520 s 24 are each amended to read as follows:

The department(~~(, or supervising agency after the shelter care hearing,)~~) shall, within existing resources, provide to parents requesting or participating in a multidisciplinary team, family group conference, case conference, or prognostic staffing information that describes these processes prior to the processes being undertaken.

Sec. 7. RCW 13.34.096 and 2016 c 180 s 1 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall provide the child's foster parents, preadoptive parents, or other caregivers with timely and adequate notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. For purposes of this section, "timely and adequate notice" means notice at the time the department would be required to give notice to parties to the case and by any means reasonably certain of notifying the foster parents, preadoptive parents, or other caregivers, including but not limited to written, telephone, or in person oral notification. For emergency hearings, the department shall give notice to foster parents, preadoptive parents, or other caregivers as soon as is practicable. For six-month review and annual permanency hearings, the department shall give notice to foster parents upon placement or as soon as practicable.

(2) The court shall establish and include in the court record after every hearing for which the department (~~(or supervising agency)~~) is required to provide notice to the child's foster parents, preadoptive parents, and caregivers whether the department provided adequate and timely notice, whether a caregiver's report was received by the court, and whether the court provided the child's foster parents, preadoptive parents, or caregivers with an opportunity to be heard in court. For purposes of this section, "caregiver's report" means a form provided by the department of social and health services to a child's foster parents, preadoptive parents, or caregivers that provides an opportunity for those individuals to share information about the child with the court before a court hearing. A caregiver's report shall not include information related to a child's biological parent that is not directly related to the child's well-being.

(3) Absent exigent circumstances, the department shall provide the child's foster family home notice of expected placement changes as required by RCW 74.13.300.

(4) The rights to notice and to be heard apply only to persons with whom a child has been placed by the department or (~~(supervising)~~) agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 8. RCW 13.34.096 and 2017 3rd sp.s. c 6 s 304 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall provide the child's foster parents, preadoptive parents, or other caregivers with timely and adequate notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. For purposes of this section, "timely and adequate notice" means notice at the time the department would be required to give notice to parties to the case and by any means reasonably certain of notifying the foster parents, preadoptive parents, or other caregivers, including

but not limited to written, telephone, or in person oral notification. For emergency hearings, the department shall give notice to foster parents, preadoptive parents, or other caregivers as soon as is practicable. For six-month review and annual permanency hearings, the department shall give notice to foster parents upon placement or as soon as practicable.

(2) The court shall establish and include in the court record after every hearing for which the department (~~(or supervising agency)~~) is required to provide notice to the child's foster parents, preadoptive parents, and caregivers whether the department provided adequate and timely notice, whether a caregiver's report was received by the court, and whether the court provided the child's foster parents, preadoptive parents, or caregivers with an opportunity to be heard in court. For purposes of this section, "caregiver's report" means a form provided by the department to a child's foster parents, preadoptive parents, or caregivers that provides an opportunity for those individuals to share information about the child with the court before a court hearing. A caregiver's report shall not include information related to a child's biological parent that is not directly related to the child's well-being.

(3) Absent exigent circumstances, the department shall provide the child's foster family home notice of expected placement changes as required by RCW 74.13.300.

(4) The rights to notice and to be heard apply only to persons with whom a child has been placed by the department or (~~(supervising)~~) agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 9. RCW 13.34.125 and 2009 c 520 s 26 are each amended to read as follows:

In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan for the child and has agreed to the termination of his or her parental rights, the department (~~(or supervising agency)~~) shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that the adoption is in the best interest of the child, and the prospective adoptive parents chosen by the alleged father, birth parent, or parent are properly qualified to adopt in compliance with the standards in this chapter and chapter 26.33 RCW. If the department (~~(or supervising agency)~~) has filed a termination petition, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

Sec. 10. RCW 13.34.130 and 2013 c 254 s 1 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition that maintains the child in his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose services to assist the parents in maintaining the child in the home, including housing assistance, if appropriate, that least interfere with family autonomy and are adequate to protect the child.

(b)(i) Order the child to be removed from his or her home and into the custody, control, and care of a relative or other suitable person, the department, or ~~((a supervising))~~ agency responsible for supervision of the child's placement. If the court orders that the child be placed with a caregiver over the objections of the parent or the department, the court shall articulate, on the record, his or her reasons for ordering the placement. The court may not order an Indian child, as defined in RCW 13.38.040, to be removed from his or her home unless the court finds, by clear and convincing evidence including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

(ii) The department ~~((or supervising agency))~~ has the authority to place the child, subject to review and approval by the court (A) with a relative as defined in RCW 74.15.020(2)(a), (B) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department ~~((or supervising agency))~~ to be suitable and competent to provide care for the child, or (C) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW.

(iii) The department may also consider placing the child, subject to review and approval by the court, with a person with whom the child's sibling or half-sibling is residing or a person who has adopted the sibling or half-sibling of the child being placed as long as the person has completed all required criminal history background checks and otherwise appears to the department ~~((or supervising agency))~~ to be competent to provide care for the child.

(2) Absent good cause, the department ~~((or supervising agency))~~ shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260.

(3) The department ~~((or supervising agency))~~ may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a), including a placement provided for in subsection (1)(b)(iii) of this section, when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, the child shall be placed with a person who is willing, appropriate, and available to care for the child, and who is: (I) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; or (II) a suitable person as described in subsection (1)(b) of this section. The court shall consider the child's existing relationships and attachments when determining placement.

(4) When placing an Indian child in out-of-home care, the department ~~((or supervising agency))~~ shall follow the placement preference characteristics in RCW 13.38.180.

(5) Placement of the child with a relative or other suitable person as described in subsection (1)(b) of this section shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services, including housing assistance, that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(6) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a stepbrother or stepsister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the stepsibling.

(7) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(8) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(9) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative or other suitable person, the child shall remain in foster care and the court shall direct the department (~~(or supervising agency)~~) to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days.

However, if such relative or other person appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives or other suitable persons, pursuant to this section, shall be contingent upon cooperation by the relative or other suitable person with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's or other suitable person's home, subject to review by the court.

Sec. 11. RCW 13.34.132 and 2013 c 302 s 11 are each amended to read as follows:

A court may order that a petition seeking termination of the parent and child relationship be filed if the following requirements are met:

(1) The court has removed the child from his or her home pursuant to RCW 13.34.130;

(2) Termination is recommended by the department (~~or the supervising agency~~);

(3) Termination is in the best interests of the child; and

(4) Because of the existence of aggravated circumstances, reasonable efforts to unify the family are not required. Notwithstanding the existence of aggravated circumstances, reasonable efforts may be required if the court or department determines it is in the best interests of the child. In determining whether aggravated circumstances exist by clear, cogent, and convincing evidence, the court shall consider one or more of the following:

(a) Conviction of the parent of rape of the child in the first, second, or third degree as defined in RCW 9A.44.073, 9A.44.076, and 9A.44.079;

(b) Conviction of the parent of criminal mistreatment of the child in the first or second degree as defined in RCW 9A.42.020 and 9A.42.030;

(c) Conviction of the parent of one of the following assault crimes, when the child is the victim: Assault in the first or second degree as defined in RCW 9A.36.011 and 9A.36.021 or assault of a child in the first or second degree as defined in RCW 9A.36.120 or 9A.36.130;

(d) Conviction of the parent of murder, manslaughter, or homicide by abuse of the child's other parent, sibling, or another child;

(e) Conviction of the parent of trafficking, or promoting commercial sexual abuse of a minor when the victim of the crime is the child, the child's other parent, a sibling of the child, or another child;

(f) Conviction of the parent of attempting, soliciting, or conspiring to commit a crime listed in (a), (b), (c), or (d) of this subsection;

(g) A finding by a court that a parent is a sexually violent predator as defined in RCW 71.09.020;

(h) Failure of the parent to complete available treatment ordered under this chapter or the equivalent laws of another state, where such failure has resulted in a prior termination of parental rights to another child and the parent has failed to effect significant change in the interim. In the case of a parent of an Indian child, as defined in RCW 13.38.040, the court shall also consider tribal efforts to assist

the parent in completing treatment and make it possible for the child to return home;

- (i) An infant under three years of age has been abandoned;
- (j) Conviction of the parent, when a child has been born of the offense, of:
 - (A) A sex offense under chapter 9A.44 RCW; or (B) incest under RCW 9A.64.020.

Sec. 12. RCW 13.34.136 and 2015 c 270 s 1 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the ~~((supervising agency))~~ department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The ~~((agency supervising the dependency))~~ department shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's ~~((or supervising agency's))~~ proposed permanency plan must be provided to the department ~~((or supervising agency))~~, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster care, if the child is between ages sixteen and eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages sixteen and eighteen, children under sixteen may remain placed with relatives or in foster care. The department ~~((or supervising agency))~~ shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps ~~((the supervising agency or))~~ the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department ~~((or supervising agency))~~ will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's ~~((or supervising agency's))~~ plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the developmental disabilities administration, the department shall make reasonable efforts to consult with the developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii)(A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The ~~((supervising agency or))~~ department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department ~~((or supervising agency))~~ should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department (~~(or supervising agency)~~).

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The (~~(supervising agency or)~~) department shall provide all reasonable services that are available within the department (~~(or supervising agency)~~), or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department (~~(or supervising agency)~~) shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not made a good cause exception, the court shall require the department (~~(or supervising agency)~~) to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other (~~(supervising)~~) agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department of social and health services or other (~~(supervising)~~) agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 13. RCW 13.34.136 and 2017 3rd sp.s. c 6 s 306 are each amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the (~~(supervising agency)~~) department assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The (~~(agency supervising the dependency)~~) department shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's (~~(or supervising agency's)~~) proposed permanency plan must be provided to the department (~~(or supervising agency)~~), all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption, including a tribal customary adoption as defined in RCW 13.38.040; guardianship; permanent legal custody; long-term relative or foster

care, if the child is between ages sixteen and eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. Although a permanency plan of care may only identify long-term relative or foster care for children between ages sixteen and eighteen, children under sixteen may remain placed with relatives or in foster care. The department (~~(or supervising agency)~~) shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps (~~(the supervising agency or)~~) the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department (~~(or supervising agency)~~) will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's (~~(or supervising agency's)~~) plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(A) If the parent is incarcerated, the plan must address how the parent will participate in the case conference and permanency planning meetings and, where possible, must include treatment that reflects the resources available at the facility where the parent is confined. The plan must provide for visitation opportunities, unless visitation is not in the best interests of the child.

(B) If a parent has a developmental disability according to the definition provided in RCW 71A.10.020, and that individual is eligible for services provided by the department of social and health services developmental disabilities administration, the department shall make reasonable efforts to consult with the department of social and health services developmental disabilities administration to create an appropriate plan for services. For individuals who meet the definition of developmental disability provided in RCW 71A.10.020 and who are eligible for services through the developmental disabilities administration, the plan for services must be tailored to correct the parental deficiency taking into consideration the parent's disability and the department shall also determine an appropriate method to offer those services based on the parent's disability.

(ii)(A) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The (~~(supervising agency or)~~) department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement.

(B) Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation.

(C) Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. When a parent or sibling has been identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child, the department shall make a concerted effort to consult with the assigned law enforcement officer in the criminal case before recommending any changes in parent/child or child/sibling contact. In the event that the law enforcement officer has information pertaining to the criminal case that may have serious implications for child safety or well-being, the law enforcement officer shall provide this information to the department during the consultation. The department may only use the information provided by law enforcement during the consultation to inform family visitation plans and may not share or otherwise distribute the information to any person or entity. Any information provided to the department by law enforcement during the consultation is considered investigative information and is exempt from public inspection pursuant to RCW 42.56.240. The results of the consultation shall be communicated to the court.

(D) The court and the department (~~(or supervising agency)~~) should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii)(A) The department, court, or caregiver in the out-of-home placement may not limit visitation or contact between a child and sibling as a sanction for a child's behavior or as an incentive to the child to change his or her behavior.

(B) Any exceptions, limitation, or denial of contacts or visitation must be approved by the supervisor of the department caseworker and documented. The child, parent, department, guardian ad litem, or court-appointed special advocate may challenge the denial of visits in court.

(iv) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(v) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department (~~(or supervising agency)~~).

(vi) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vii) The (~~supervising agency or~~) department shall provide all reasonable services that are available within the department (~~(or supervising agency)~~), or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(8), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department

~~((or supervising agency))~~ shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, and the court has not made a good cause exception, the court shall require the department ~~((or supervising agency))~~ to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(4)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(6). Whenever the permanency plan for a child is adoption, the court shall encourage the prospective adoptive parents, birth parents, foster parents, kinship caregivers, and the department or other ~~((supervising))~~ agency to seriously consider the long-term benefits to the child adoptee and his or her siblings of providing for and facilitating continuing postadoption contact between the siblings. To the extent that it is feasible, and when it is in the best interests of the child adoptee and his or her siblings, contact between the siblings should be frequent and of a similar nature as that which existed prior to the adoption. If the child adoptee or his or her siblings are represented by an attorney or guardian ad litem in a proceeding under this chapter or in any other child custody proceeding, the court shall inquire of each attorney and guardian ad litem regarding the potential benefits of continuing contact between the siblings and the potential detriments of severing contact. This section does not require the department or other ~~((supervising))~~ agency to agree to any specific provisions in an open adoption agreement and does not create a new obligation for the department to provide supervision or transportation for visits between siblings separated by adoption from foster care.

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 14. RCW 13.34.138 and 2009 c 520 s 29, 2009 c 491 s 3, 2009 c 397 s 4, and 2009 c 152 s 1 are each reenacted and amended to read as follows:

(1) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the ~~((supervising agency or))~~ department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department ~~((or supervising agency))~~ must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department ~~((or supervising agency))~~ may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department ~~((or supervising agency))~~ must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department ~~((or supervising agency))~~ of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department ~~((or supervising agency))~~ to

provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether ~~((the supervising agency or))~~ the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department ~~((or supervising agency))~~;

(vii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(viii) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(ix) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(x) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(xi) Whether terms of visitation need to be modified;

(xii) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xiii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with the ~~((supervising agency's))~~ department's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's (~~(or supervising agency's)~~) case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's authority to order housing assistance under this chapter is: (a) Limited to cases in which a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(~~(3)~~) (6).

Sec. 15. RCW 13.34.145 and 2015 c 270 s 2 and 2015 c 257 s 1 are each reenacted and amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to

provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) When the youth is at least age seventeen years but not older than seventeen years and six months, the department shall provide the youth with written documentation which explains the availability of extended foster care services and detailed instructions regarding how the youth may access such services after he or she reaches age eighteen years.

(4) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. The court shall find, as of the date of the hearing, that the child's placement and plan of care is the best permanency plan for the child and provide compelling reasons why it continues to not be in the child's best interest to (i) return home; (ii) be placed for adoption; (iii) be placed with a legal guardian; or (iv) be placed with a fit and willing relative. If the child is present at the hearing, the court should ask the child about his or her desired permanency outcome.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department ((or supervising agency)) and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department ((or supervising agency)) staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child

was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department (~~((or supervising agency))~~) to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

- (A) Being returned safely to his or her home;
- (B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;
- (C) Being placed for adoption;
- (D) Being placed with a guardian;
- (E) Being placed in the home of a fit and willing relative of the child; or
- (F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

(5) Following this inquiry, at the permanency planning hearing, the court shall order the department (~~((or supervising agency))~~) to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child.

(a) For purposes of this subsection, "good cause exception" includes but is not limited to the following:

- (i) The child is being cared for by a relative;
- (ii) The department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home;
- (iii) The department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests;
- (iv) The parent is incarcerated, or the parent's prior incarceration is a significant factor in why the child has been in foster care for fifteen of the last twenty-two months, the parent maintains a meaningful role in the child's life, and the department has not documented another reason why it would be otherwise appropriate to file a petition pursuant to this section;
- (v) Where a parent has been accepted into a dependency treatment court program or long-term substance abuse or dual diagnoses treatment program and is demonstrating compliance with treatment goals; or
- (vi) Where a parent who has been court ordered to complete services necessary for the child's safe return home files a declaration under penalty of perjury stating the parent's financial inability to pay for the same court-ordered services, and also declares the department was unwilling or unable to pay for the same services necessary for the child's safe return home.

(b) The court's assessment of whether a parent who is incarcerated maintains a meaningful role in the child's life may include consideration of the following:

- (i) The parent's expressions or acts of manifesting concern for the child, such as letters, telephone calls, visits, and other forms of communication with the child;

(ii) The parent's efforts to communicate and work with the department (~~(or supervising agency)~~) or other individuals for the purpose of complying with the service plan and repairing, maintaining, or building the parent-child relationship;

(iii) A positive response by the parent to the reasonable efforts of the department (~~(or the supervising agency)~~);

(iv) Information provided by individuals or agencies in a reasonable position to assist the court in making this assessment, including but not limited to the parent's attorney, correctional and mental health personnel, or other individuals providing services to the parent;

(v) Limitations in the parent's access to family support programs, therapeutic services, and visiting opportunities, restrictions to telephone and mail services, inability to participate in foster care planning meetings, and difficulty accessing lawyers and participating meaningfully in court proceedings; and

(vi) Whether the continued involvement of the parent in the child's life is in the child's best interest.

(c) The constraints of a parent's current or prior incarceration and associated delays or barriers to accessing court-mandated services may be considered in rebuttal to a claim of aggravated circumstances under RCW 13.34.132(4)(h) for a parent's failure to complete available treatment.

(6)(a) If the permanency plan identifies independent living as a goal, the court at the permanency planning hearing shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care. The court will inquire whether the child has been provided information about extended foster care services.

(b) The permanency plan shall also specifically identify the services, including extended foster care services, where appropriate, that will be provided to assist the child to make a successful transition from foster care to independent living.

(c) The department (~~(or supervising agency)~~) shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(7) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall:

(a) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(6), and 13.34.096; and

(b) If the department (~~(or supervising agency)~~) is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.

(8) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the (~~(supervising agency)~~) department to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(9) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(10) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(11) If the court orders the child returned home, casework supervision by the department (~~(or supervising agency)~~) shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(12) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(13) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (12) of this section are met.

(14) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department (~~(or supervising agency)~~) requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(15) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the (~~(supervising agency)~~) department of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(16) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 16. RCW 13.34.155 and 2009 c 526 s 2 and 2009 c 520 s 31 are each reenacted and amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to

facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency (~~including the supervising agency~~), the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department (~~or supervising agency~~) shall not continue to supervise the placement.

(2)(a) The court hearing the dependency petition may establish or modify a parenting plan under chapter 26.09 or 26.26 RCW as part of a disposition order or at a review hearing when doing so will implement a permanent plan of care for the child and result in dismissal of the dependency.

(b) The dependency court shall adhere to procedural requirements under chapter 26.09 RCW and must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(c) Unless the whereabouts of one of the parents is unknown to either the department or the court, the parents must agree, subject to court approval, to establish the parenting plan or modify an existing parenting plan.

(d) Whenever the court is asked to establish or modify a parenting plan, the child's residential schedule, the allocation of decision-making authority, and dispute resolution under this section, the dependency court may:

(i) Appoint a guardian ad litem to represent the interests of the child when the court believes the appointment is necessary to protect the best interests of the child; and

(ii) Appoint an attorney to represent the interests of the child with respect to provisions for the parenting plan.

(e) The dependency court must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(f) The dependency court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for the entry or modification of a parenting plan under this section. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to become part of the court record of the dependency case and the case under chapters 26.09 or 26.26 RCW.

(g) In the absence of agreement by a parent, guardian, or legal custodian of the child to allow the juvenile court to hear and determine issues related to the establishment or modification of a parenting plan under chapters 26.09 or 26.26 RCW, a party may move the court to transfer such issues to the family law department of the superior court for further resolution. The court may only grant the motion upon entry of a written finding that it is in the best interests of the child.

(h) In any parenting plan agreed to by the parents and entered or modified in juvenile court under this section, all issues pertaining to child support and the division of marital property shall be referred to or retained by the family law department of the superior court.

(3) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

(4) Any order entered in the dependency court establishing or modifying a permanent legal custody order or, parenting plan, or residential schedule under chapters 26.09, 26.10, and 26.26 RCW shall also be filed in the chapters 26.09, 26.10, and 26.26 RCW action by the moving or prevailing party. If the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fees shall be imposed by the clerk. Once filed, any order, parenting plan, or residential schedule establishing or modifying permanent legal custody of a child shall survive dismissal of the dependency proceeding.

Sec. 17. RCW 13.34.174 and 2009 c 520 s 32 are each amended to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (a) Type of treatment;
- (b) Nature of treatment;
- (c) Length of treatment;
- (d) A treatment time schedule; and
- (e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate treatment plan. The treatment plan must be signed by the treatment provider and the affected person. The initial written progress report based on the treatment plan shall be sent to the appropriate persons six weeks after initiation of treatment. Subsequent progress reports shall be provided after three months, six months, twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed with the court in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

Each report shall also be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's ((~~or supervising agency's~~)) caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, ((~~the supervising agency,~~)) and the person or person's counsel regarding the person's

cooperation with the treatment plan proposed and the person's progress in treatment.

(4) If a person subject to this section fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, ~~((the supervising agency if any,))~~ and the person or person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

Sec. 18. RCW 13.34.176 and 2009 c 520 s 33 are each amended to read as follows:

(1) The court, upon receiving a report under RCW 13.34.174(4) or at the department's ~~((or supervising agency's))~~ request, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 19. RCW 13.34.180 and 2013 c 173 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party ~~((including the supervising agency,))~~ to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (3) or (4) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that

there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts;

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's current or prior incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. If the parent is incarcerated, the court shall consider whether a parent maintains a meaningful role in his or her child's life based on factors identified in RCW 13.34.145(5)(b); whether the department (~~or supervising agency~~) made reasonable efforts as defined in this chapter; and whether particular barriers existed as described in RCW 13.34.145(5)(b) including, but not limited to, delays or barriers experienced in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(2) As evidence of rebuttal to any presumption established pursuant to subsection (1)(e) of this section, the court may consider the particular constraints of a parent's current or prior incarceration. Such evidence may include, but is not limited to, delays or barriers a parent may experience in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(3) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(4) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(5) When a parent has been sentenced to a long-term incarceration and has maintained a meaningful role in the child's life considering the factors provided in RCW 13.34.145(5)(b), and it is in the best interest of the child, the department should consider a permanent placement that allows the parent to maintain a relationship with his or her child, such as, but not limited to, a guardianship pursuant to chapter 13.36 RCW.

(6) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing.

A lawyer can look at the files in your case, talk to the department of social and health services or ~~((the supervising agency and))~~ other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Sec. 20. RCW 13.34.180 and 2017 3rd sp.s. c 6 s 308 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party ~~((, including the supervising agency,))~~ to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (3) or (4) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts;

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's current or prior incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home. If the parent is incarcerated, the court shall consider whether a parent maintains a meaningful role in his or her child's life based on factors identified in RCW 13.34.145(5)(b); whether the department (~~or supervising agency~~) made reasonable efforts as defined in this chapter; and whether particular barriers existed as described in RCW 13.34.145(5)(b) including, but not limited to, delays or barriers experienced in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(2) As evidence of rebuttal to any presumption established pursuant to subsection (1)(e) of this section, the court may consider the particular constraints of a parent's current or prior incarceration. Such evidence may include, but is not limited to, delays or barriers a parent may experience in keeping the agency apprised of his or her location and in accessing visitation or other meaningful contact with the child.

(3) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(4) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(5) When a parent has been sentenced to a long-term incarceration and has maintained a meaningful role in the child's life considering the factors provided in RCW 13.34.145(5)(b), and it is in the best interest of the child, the department should consider a permanent placement that allows the parent to maintain a relationship with his or her child, such as, but not limited to, a guardianship pursuant to chapter 13.36 RCW.

(6) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of children, youth, and families or ~~((the supervising agency and))~~ other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number) ."

Sec. 21. RCW 13.34.210 and 2010 c 272 s 13 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department (~~(or a supervising agency)~~) willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department (~~(or supervising agency)~~) shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a guardianship of the child under chapter 13.36 RCW or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered. The (~~(supervising agency)~~) department shall take reasonable steps to ensure that the child maintains relationships with siblings as provided in RCW 13.34.130(~~(3)~~) (6) and shall report to the court the status and extent of such relationships.

Sec. 22. RCW 13.34.215 and 2011 c 292 s 2 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c)(i) The child has not achieved his or her permanency plan; or

(ii) While the child achieved a permanency plan, it has not since been sustained;

(d) Three years have passed since the final order of termination was entered; and

(e) The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the court may hear a petition filed by a child younger than twelve years old.

(2) If the child is eligible to petition the juvenile court under subsection (1) of this section and a parent whose rights have been previously terminated contacts the department (~~(or supervising agency)~~) or the child's guardian ad litem regarding reinstatement, the department (~~(or supervising agency)~~) or the guardian ad litem must notify the eligible child about his or her right to petition for reinstatement of parental rights.

(3) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(4) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(5) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, the court finds by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(6) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department (~~(or the supervising agency)~~), the child's attorney, and the child. The court shall also order the department (~~(or supervising agency)~~) to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(7) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(8) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department (~~(or supervising agency)~~) shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(9)(a) If the court conditionally grants the petition under subsection (7) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department (~~(or supervising agency)~~) shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(10) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the parent has been successful, the

court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(11) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(12) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(13) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

(14) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(15) The state, the department, ~~((the supervising agency;))~~ and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, ~~((the supervising agency;))~~ or its employees concerning the original termination.

Sec. 23. RCW 13.34.233 and 2009 c 520 s 38 are each amended to read as follows:

(1) Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship order. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice in all cases shall be served upon the department. If the department ~~((or supervising agency))~~ was not previously a party to the guardianship proceeding, the department ~~((or supervising agency))~~ shall nevertheless have the right to: (a) Initiate a proceeding to modify or terminate a guardianship; and (b) intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party, or the department ~~((or the supervising agency))~~ if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and

shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control, and care of the department (~~(or a supervising agency)~~) for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that reasons for removal as set forth in RCW 13.34.130 no longer exist and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.138 and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 24. RCW 13.34.245 and 2009 c 520 s 39 are each amended to read as follows:

(1) Where any parent or Indian custodian voluntarily consents to foster care placement of an Indian child and a petition for dependency has not been filed regarding the child, such consent shall not be valid unless executed in writing before the court and filed with the court. The consent shall be accompanied by the written certification of the court that the terms and consequences of the consent were fully explained in detail to the parent or Indian custodian during the court proceeding and were fully understood by the parent or Indian custodian. The court shall also certify in writing either that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.

(2) To obtain court validation of a voluntary consent to foster care placement, any person may file a petition for validation alleging that there is located or residing within the county an Indian child whose parent or Indian custodian wishes to voluntarily consent to foster care placement of the child and requesting that the court validate the consent as provided in this section. The petition shall contain the name, date of birth, and residence of the child, the names and residences of the consenting parent or Indian custodian, and the name and location of the Indian tribe in which the child is a member or eligible for membership. The petition shall state whether the placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be followed. Reasonable attempts shall be made by the petitioner to ascertain and set forth in the petition the identity, location, and custodial status of any parent or Indian custodian who has not consented to foster care placement and why that parent or Indian custodian cannot assume custody of the child.

(3) Upon filing of the petition for validation, the clerk of the court shall schedule the petition for a hearing on the court validation of the voluntary consent no later than forty-eight hours after the petition has been filed, excluding Saturdays, Sundays, and holidays. Notification of time, date, location, and purpose of the validation hearing shall be provided as soon as possible to the consenting parent or Indian custodian, the department (~~(or supervising agency)~~)

which is to assume responsibility for the child's placement and care pursuant to the consent to foster care placement, and the Indian tribe in which the child is enrolled or eligible for enrollment as a member. If the identity and location of any nonconsenting parent or Indian custodian is known, reasonable attempts shall be made to notify the parent or Indian custodian of the consent to placement and the validation hearing. Notification under this subsection may be given by the most expedient means, including, but not limited to, mail, personal service, telephone, and telegraph.

(4) Any parent or Indian custodian may withdraw consent to a voluntary foster care placement, made under this section, at any time. Unless the Indian child has been taken in custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the Indian child shall be returned to the parent or Indian custodian upon withdrawal of consent to foster care placement of the child.

(5) Upon termination of the voluntary foster care placement and return of the child to the parent or Indian custodian, the department (~~(or supervising agency)~~) which had assumed responsibility for the child's placement and care pursuant to the consent to foster care placement shall file with the court written notification of the child's return and shall also send such notification to the Indian tribe in which the child is enrolled or eligible for enrollment as a member and to any other party to the validation proceeding including any noncustodial parent.

Sec. 25. RCW 13.34.320 and 2009 c 520 s 40 are each amended to read as follows:

The department (~~(or supervising agency)~~) shall obtain the prior consent of a child's parent, legal guardian, or legal custodian before a dependent child is admitted into an inpatient mental health treatment facility. If the child's parent, legal guardian, or legal custodian is unavailable or does not agree with the proposed admission, the department (~~(or supervising agency)~~) shall request a hearing and provide notice to all interested parties to seek prior approval of the juvenile court before such admission. In the event that an emergent situation creating a risk of substantial harm to the health and welfare of a child in the custody of the department (~~(or supervising agency)~~) does not allow time for the department (~~(or supervising agency)~~) to obtain prior approval or to request a court hearing before consenting to the admission of the child into an inpatient mental health hospital, the department (~~(or supervising agency)~~) shall seek court approval by requesting that a hearing be set on the first available court date.

Sec. 26. RCW 13.34.330 and 2009 c 520 s 41 are each amended to read as follows:

A dependent child who is admitted to an inpatient mental health facility shall be placed in a facility, with available treatment space, that is closest to the family home, unless the department (~~(or supervising agency)~~), in consultation with the admitting authority finds that admission in the facility closest to the child's home would jeopardize the health or safety of the child.

Sec. 27. RCW 13.34.340 and 2009 c 520 s 42 are each amended to read as follows:

For minors who cannot consent to the release of their records with the department (~~(or supervising agency)~~) because they are not old enough to consent

to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department (~~(or supervising agency)~~) has authorized to provide mental health treatment under RCW 13.34.320, the department (~~(or supervising agency)~~) shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the department's (~~(or supervising agency's)~~) possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department (~~(or supervising agency)~~) in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department (~~(or supervising agency)~~) records may not be disclosed by the treating physician to any other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose the department (~~(or supervising agency)~~) records to another treating physician.

Sec. 28. RCW 13.34.370 and 2009 c 520 s 44 are each amended to read as follows:

The court may order expert evaluations of parties to obtain information regarding visitation issues or other issues in a case. These evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, (~~(the supervising agency,)~~) the department, and the parents' counsel, and, if the child is to be evaluated, by the representative for the child. If no agreement can be reached, the court shall select the expert evaluator.

Sec. 29. RCW 13.34.380 and 2013 c 254 s 3 are each amended to read as follows:

The department shall develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: The structure and quality of visitations; consultation with the assigned law enforcement officer in the event the parent or sibling of the child is identified as a suspect in an active criminal investigation for a violent crime that, if the allegations are true, would impact the safety of the child; and training for department (~~(and supervising agency)~~) caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols shall be consistent with the provisions of this chapter and implementation of the policies and protocols shall be consistent with relevant orders of the court.

Sec. 30. RCW 13.34.385 and 2009 c 520 s 46 are each amended to read as follows:

(1) A relative of a dependent child may petition the juvenile court for reasonable visitation with the child if:

- (a) The child has been found to be a dependent child under this chapter;
- (b) The parental rights of both of the child's parents have been terminated;
- (c) The child is in the custody of the department(~~(-)~~) or another public agency(~~(, or a supervising agency)~~); and

(d) The child has not been adopted and is not in a preadoptive home or other permanent placement at the time the petition for visitation is filed.

(2) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, other public agency, or ~~((supervising))~~ agency having custody of the child, the child's attorney or guardian ad litem if applicable, and the child. The court shall also order the custodial agency to give prior notice of any hearing to the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(3) The juvenile court may grant the petition for visitation if it finds that the requirements of subsection (1) of this section have been met, and that unsupervised visitation between the child and the relative does not present a risk to the child's safety or well-being and that the visitation is in the best interests of the child. In determining the best interests of the child the court shall consider, but is not limited to, the following:

(a) The love, affection, and strength of the relationship between the child and the relative;

(b) The length and quality of the prior relationship between the child and the relative;

(c) Any criminal convictions for or founded history of abuse or neglect of a child by the relative;

(d) Whether the visitation will present a risk to the child's health, welfare, or safety;

(e) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;

(f) Any other factor relevant to the child's best interest.

(4) The visitation order may be modified at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order shall state that visitation will automatically terminate upon the child's placement in a preadoptive home, if the child is adopted, or if there is a subsequent founded abuse or neglect allegation against the relative.

(5) The granting of the petition under this section does not grant the relative the right to participate in the dependency action and does not grant any rights to the relative not otherwise specified in the visitation order.

(6) This section is retroactive and applies to any eligible dependent child at the time of the filing of the petition for visitation, regardless of the date parental rights were terminated.

(7) For the purpose of this section, "relative" means a relative as defined in RCW 74.15.020(2)(a), except parents.

(8) This section is intended to provide an additional procedure by which a relative may request visitation with a dependent child. It is not intended to impair or alter the ability a court currently has to order visitation with a relative under the dependency statutes.

Sec. 31. RCW 13.34.400 and 2009 c 520 s 48 are each amended to read as follows:

In any proceeding under this chapter, if the department ~~((or supervising agency))~~ submits a report to the court in which the department is recommending a new placement or a change in placement, the department ~~((or supervising agency))~~ shall include the documents relevant to persons in the home in which a

child will be placed and listed in subsections (1) through (5) of this section to the report. The department (~~((or supervising agency))~~) shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the department (~~((or supervising agency))~~) relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the department (~~((or supervising agency))~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the department or (~~((supervising))~~) agency relating to visitation with a child, the department (~~((or supervising agency))~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who supervised the visitation. The documentation attached to the report shall not include the entire visitation history.

(3) If the report contains a recommendation, opinion, or assertion by the department (~~((or supervising agency))~~) relating to the psychological status of a person, the department (~~((or supervising agency))~~) shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the department (~~((or supervising agency))~~) relating to injuries to a child, the department (~~((or supervising agency))~~) shall attach a summary of the physician's report, prepared by the physician or the physician's designee, relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the department (~~((or supervising agency))~~) relating to a home study, licensing action, or background check information, the department (~~((or supervising agency))~~) shall attach the document or documents upon which that recommendation, opinion, or assertion is based.

Sec. 32. RCW 26.44.020 and 2012 c 259 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) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and

safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the state department of social and health services.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a

decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

~~(25) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.~~

~~(26))~~ "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 33. RCW 26.44.020 and 2017 3rd sp.s. c 6 s 321 are each amended to read as follows:

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

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review

by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the department of children, youth, and families.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given

great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

~~(25) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.~~

~~(26))~~ "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 34. RCW 74.13.010 and 2009 c 520 s 49 are each amended to read as follows:

The purpose of this chapter is to safeguard, protect, and contribute to the welfare of the children of the state, through a comprehensive and coordinated

program of child welfare services provided by both the department and ~~((supervising))~~ agencies providing for: Social services and facilities for children who require guidance, care, control, protection, treatment, or rehabilitation; setting of standards for social services and facilities for children; cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities in behalf of children; and promotion of community conditions and resources that help parents to discharge their responsibilities for the care, development, and well-being of their children.

Sec. 35. RCW 74.13.020 and 2015 c 240 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

~~(5) ("Committee" means the child welfare transformation design committee.~~

~~(6))~~ "Department" means the department of social and health services.

~~((7))~~ (6) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in

meeting basic needs; independent living services; medical assistance; and counseling or treatment.

~~((8))~~ (7) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

~~((9))~~ "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

~~((10))~~ (8) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health condition as documented by any licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

~~((11))~~ (9) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

~~((12))~~ (10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((13))~~ (11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

~~((14))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((15))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((16))~~ (14) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~((17))~~ "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

~~(18))~~ (15) "Unsupervised" has the same meaning as in RCW 43.43.830.

~~((19))~~ (16) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 36. RCW 74.13.020 and 2017 3rd sp.s. c 6 s 401 are each amended to read as follows:

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

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means:

(a) A person less than eighteen years of age; or

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

~~(5) ("Committee" means the child welfare transformation design committee.~~

~~(6))~~ "Department" means the department of children, youth, and families.

~~((7))~~ (6) "Extended foster care services" means residential and other support services the department is authorized to provide to foster children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; and counseling or treatment.

~~((8))~~ (7) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs

that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

~~((9))~~ ~~"Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.~~

~~((10))~~ (8) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health condition as documented by any licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

~~((11))~~ (9) "Nonminor dependent" means any individual age eighteen to twenty-one years who is participating in extended foster care services authorized under RCW 74.13.031.

~~((12))~~ (10) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

~~((13))~~ (11) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

~~((14))~~ (12) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

~~((15))~~ (13) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

~~((16))~~ (14) "Secretary" means the secretary of the department.

~~((17))~~ (15) "Supervised independent living" includes, but is not limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings. Supervised independent living settings must be approved by the children's administration or the court.

~~((18))~~ "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section. This definition is applicable on or after December 30, 2015.

~~((19))~~ (16) "Unsupervised" has the same meaning as in RCW 43.43.830.

~~((20))~~ (17) "Voluntary placement agreement" means, for the purposes of extended foster care services, a written voluntary agreement between a

nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program.

Sec. 37. RCW 74.13.031 and 2017 3rd sp.s. c 20 s 7 and 2017 c 265 s 2 are each reenacted and amended to read as follows:

(1) The department (~~((and supervising agencies))~~) shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department (~~((and supervising agencies))~~) shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's (~~((and supervising agency's))~~) success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030(11), the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department (~~((or supervising agencies))~~) shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department (~~((or supervising agencies))~~) shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department (~~((and the supervising agencies))~~) shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department (~~((and supervising agencies are))~~) is encouraged to group monthly visits to caregivers by geographic area so

that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department (~~(or supervising agencies)~~) shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department (~~(and supervising agencies)~~) shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department (~~(and supervising agency)~~) shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(9) The department (~~(and supervising agency)~~) shall have authority to purchase care for children.

(10) The department shall establish a children's services advisory committee (~~(with sufficient members representing supervising agencies)~~) which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(11)(a) The department (~~(and supervising agencies)~~) shall provide continued extended foster care services to nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent and in foster care at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court must have requested extended foster care services before reaching age nineteen years. Eligible nonminor dependents may unenroll and reenroll in extended foster care through a voluntary placement agreement once between ages eighteen and twenty-one.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(d) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.

(e) The department shall allow a youth who has received extended foster care services, but lost his or her eligibility, to reenter the extended foster care program once through a voluntary placement agreement when he or she meets the eligibility criteria again.

(12) The department shall have authority to provide adoption support benefits, or relative guardianship subsidies on behalf of youth ages eighteen to twenty-one years who achieved permanency through adoption or a relative guardianship at age sixteen or older and who meet the criteria described in subsection (11) of this section.

(13) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(14) The department (~~and supervising agencies~~) shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (8) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(15) Within amounts appropriated for this specific purpose, the (~~supervising agency or~~) department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(16) The department (~~and supervising agencies~~) shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(17) The department (~~(and supervising agencies)~~) shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department (~~(and supervising agencies are)~~) is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 (~~(and 74.13.320)~~) regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(18)(a) The department shall, within current funding levels, place on its public web site a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

- (i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;
- (ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);
- (iii) Parent-child visits;
- (iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and
- (v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

(19) The department shall have the authority to purchase legal representation for parents of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan under chapter 26.09 or 26.26 RCW, when it is necessary for the child's safety, permanence, or well-being. This subsection does not create an entitlement to legal representation purchased by the department and does not create judicial authority to order the department to purchase legal representation for a parent. Such determinations are solely within the department's discretion.

Sec. 38. RCW 74.13.0311 and 2009 c 520 s 52 are each amended to read as follows:

The department (~~(or supervising agencies)~~) may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department (~~(or supervising agencies)~~) from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 39. RCW 74.13.036 and 2009 c 520 s 54 and 2009 c 518 s 5 are each reenacted and amended to read as follows:

(1) The department shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters

13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;

(b) Procedures for designating department (~~(or supervising agency)~~) staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

Sec. 40. RCW 74.13.042 and 2009 c 520 s 56 are each amended to read as follows:

If the department (~~(or supervising agency)~~) is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department (~~(or supervising agency)~~) may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department (~~(or supervising agency)~~), without prior notice to any person, if the court finds there

is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.

(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

Sec. 41. RCW 74.13.045 and 2009 c 520 s 57 are each amended to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department (~~(or supervising agency)~~), foster parents, and other affected individuals who have complaints regarding a department policy or procedure, the application of such a policy or procedure, or the performance of an entity that has entered into a performance-based contract with the department, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and department (~~(and supervising agency)~~) caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process.

Sec. 42. RCW 74.13.055 and 2009 c 520 s 58 are each amended to read as follows:

The department shall adopt rules pursuant to chapter 34.05 RCW which establish goals as to the maximum number of children who will remain in foster care for a period of longer than twenty-four months. (~~(The department shall also work cooperatively with supervising agencies to assure that a partnership plan for utilizing the resources of the public and private sector in all matters pertaining to child welfare is developed and implemented.)~~)

Sec. 43. RCW 74.13.065 and 2009 c 520 s 60 are each amended to read as follows:

(1) The department (~~(or supervising agency)~~) shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department (~~(or supervising agency)~~). The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

(2) The social study shall include, but not be limited to, an assessment of the following factors:

(a) The physical and emotional strengths and needs of the child;

(b) Emotional bonds with siblings and the need to maintain regular sibling contacts;

(c) The proximity of the child's placement to the child's family to aid reunification;

(d) The possibility of placement with the child's relatives or extended family;

(e) The racial, ethnic, cultural, and religious background of the child;

(f) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and

(g) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

Sec. 44. RCW 74.13.170 and 2009 c 520 s 70 are each amended to read as follows:

The department may, through performance-based contracts with ~~((supervising))~~ agencies, implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

Sec. 45. RCW 74.13.280 and 2013 c 200 s 28 are each amended to read as follows:

(1) Except as provided in RCW 70.02.220, whenever a child is placed in out-of-home care by the department or ~~((a supervising))~~ with an agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or ~~((supervising))~~ agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department or ~~((supervising agencies))~~ an agency to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;

(iii) Fire-setting or a developmentally inappropriate fascination with fire;

(iv) Animal torture;

(v) Property destruction; or

(vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;

(ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or

(iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

Sec. 46. RCW 74.13.283 and 2009 c 520 s 73 are each amended to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department ~~((or supervising agency))~~ to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department ~~((or supervising agency))~~ letterhead, verifying the following:

(i) The youth is a minor who resides in Washington;

(ii) Pursuant to a court order, the youth is dependent and the department ~~((or supervising agency))~~ is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;

(iii) The youth's full name and date of birth;

(iv) The youth's social security number, if available;

(v) A brief physical description of the youth;

(vi) The appropriate address to be listed on the youth's identicard; and

(vii) Contact information for the appropriate person with the department ~~((or supervising agency))~~.

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department ~~((or supervising agency))~~ may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

(a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or

(b) Hand-delivered to a local office of the department of licensing by a department ~~((or supervising agency))~~ caseworker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicaid.

(4) To the extent other identifying information is readily available, the department ~~((or supervising agency))~~ shall include the additional information with the submission of information required under subsection (1) of this section.

Sec. 47. RCW 74.13.285 and 2009 c 520 s 74 are each amended to read as follows:

(1) Within available resources, the department ~~((or supervising agency))~~ shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department ~~((or supervising agency))~~ shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements shall have first priority in the preparation of passports.

(2) In addition to the requirements of subsection (1) of this section, the department ~~((or supervising agency))~~ shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider ~~((including supervising agencies))~~ for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

Sec. 48. RCW 74.13.289 and 2013 c 200 s 29 are each amended to read as follows:

(1) Upon any placement, the department ~~((or supervising agency))~~ shall inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department ~~((or supervising agency))~~.

(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

(3) Any disclosure of information related to HIV must be in accordance with RCW 70.02.220.

(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section.

Sec. 49. RCW 74.13.300 and 2009 c 520 s 77 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home by the department (~~(or supervising agency)~~) and the child has thereafter resided in the home for at least ninety consecutive days, the department (~~(or supervising agency)~~) shall notify the foster family at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement;

(b) The child is being returned home;

(c) The child's safety is in jeopardy; or

(d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department (~~(or supervising agency)~~) shall notify the foster family of proposed placement changes as soon as reasonably possible.

(3) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

Sec. 50. RCW 74.13.310 and 2009 c 520 s 78 are each amended to read as follows:

Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department (~~(and supervising agency)~~) shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

Sec. 51. RCW 74.13.315 and 2009 c 520 s 79 are each amended to read as follows:

The department (~~(or supervising agency)~~) may provide child care for all foster parents who are required to attend department-sponsored (~~(or supervising agency-sponsored)~~) meetings or training sessions. If the department (~~(or supervising agency)~~) does not provide such child care, the department (~~(or supervising agency)~~), where feasible, shall conduct the activities covered by this section in the foster parent's home or other location acceptable to the foster parent.

Sec. 52. RCW 74.13.325 and 2009 c 520 s 81 are each amended to read as follows:

Within available resources, the department (~~(and supervising agencies)~~) shall increase the number of adoptive and foster families available to accept children through an intensive recruitment and retention program. (~~(The department shall enter into performance-based contracts with supervising agencies, under which the agencies will coordinate all foster care and adoptive home recruitment activities.)~~)

Sec. 53. RCW 74.13.333 and 2013 c 23 s 206 are each amended to read as follows:

(1) A foster parent who believes that a department (~~(or supervising agency)~~) employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(a) The foster parent made a complaint with the office of the family and children's ombuds, the attorney general, law enforcement agencies, or the department(~~(, or the supervising agency,)~~) provided information, or otherwise cooperated with the investigation of such a complaint;

(b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(d) The foster parent has advocated for services on behalf of the foster child;

(e) The foster parent has sought to adopt a foster child in the foster parent's care; or

(f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombuds.

(2) The ombuds may investigate the allegations of retaliation. The ombuds shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombuds shall provide its findings in written form to the department.

(3) The department shall notify the office of the family and children's ombuds in writing, within thirty days of receiving the ombuds's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombuds shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombuds shall identify trends which may indicate a need to improve relations between the department (~~(or supervising agency)~~) and foster parents.

Sec. 54. RCW 74.13.334 and 2013 c 23 s 207 are each amended to read as follows:

The department (~~(and supervising agency)~~) shall develop procedures for responding to recommendations of the office of the family and children's ombuds as a result of any and all complaints filed by foster parents under RCW 74.13.333.

Sec. 55. RCW 74.13.500 and 2009 c 520 s 84 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.56 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information

regarding the abuse or neglect of a child, the investigation of the abuse, neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department (~~(or a supervising agency)~~) has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department (~~(or a supervising agency)~~) at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

Sec. 56. RCW 74.13.515 and 2009 c 520 s 85 are each amended to read as follows:

For purposes of RCW 74.13.500(1)(d), the secretary must make the fullest possible disclosure consistent with chapter 42.56 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department (~~(or a supervising agency)~~) at the time of their death or within the twelve months previous to their death.

If the secretary specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the secretary may remove personally identifying information.

For the purposes of this section, "personally identifying information" means the name, street address, social security number, and day of birth of the child who died and of private persons who are relatives of the child named in child welfare records. "Personally identifying information" shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the

records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case.

Sec. 57. RCW 74.13.525 and 2009 c 520 s 86 are each amended to read as follows:

The department (~~(or supervising agency)~~), when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.56.550, for any action taken under RCW 74.13.500 through 74.13.520.

Sec. 58. RCW 74.13.530 and 2009 c 520 s 87 are each amended to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under contract with, the state; (c) persons licensed to practice law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department (~~(or a supervising agency)~~) under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

Sec. 59. RCW 74.13.560 and 2009 c 520 s 88 are each amended to read as follows:

The administrative regions of the department (~~(and the supervising agencies)~~) shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective sharing of information consistent with RCW 28A.225.330.

Sec. 60. RCW 74.13.590 and 2009 c 520 s 89 are each amended to read as follows:

The department (~~(and supervising agencies)~~) shall perform the tasks provided in RCW 74.13.550 through 74.13.580 based on available resources.

Sec. 61. RCW 74.13.600 and 2009 c 520 s 90 are each amended to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and means: (a) Any person

denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department (~~and supervising agencies~~) shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used (~~by supervising agencies~~) when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department (~~or supervising agencies~~) shall request that the juvenile court require parents to disclose to the (~~agencies~~) department all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department (~~and supervising agencies~~) shall encourage the parents to disclose to the department (~~and agencies~~) all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department (~~or supervising agency~~) provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

Sec. 62. RCW 74.13.640 and 2015 c 298 s 1 are each amended to read as follows:

(1)(a) The department shall conduct a child fatality review in the event of a fatality suspected to be caused by child abuse or neglect of any minor who is in

the care of the department (~~(or a supervising agency)~~) or receiving services described in this chapter or who has been in the care of the department (~~(or a supervising agency)~~) or received services described in this chapter within one year preceding the minor's death.

(b) The department shall consult with the office of the family and children's ombuds to determine if a child fatality review should be conducted in any case in which it cannot be determined whether the child's death is the result of suspected child abuse or neglect.

(c) The department shall ensure that the fatality review team is made up of individuals who had no previous involvement in the case, including individuals whose professional expertise is pertinent to the dynamics of the case.

(d) Upon conclusion of a child fatality review required pursuant to this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review, unless an extension has been granted by the governor. Reports must be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section must be posted and maintained. A child fatality review report completed pursuant to this section is subject to public disclosure and must be posted on the public web site, except that confidential information may be redacted by the department consistent with the requirements of RCW 13.50.100, 68.50.105, 74.13.500 through 74.13.525, chapter 42.56 RCW, and other applicable state and federal laws.

(e) The department shall develop and implement procedures to carry out the requirements of this section.

(2)(a) In the event of a near fatality of a child who is in the care of or receiving services described in this chapter from the department (~~(or a supervising agency)~~) or who has been in the care of or received services described in this chapter from the department (~~(or a supervising agency)~~) within one year preceding the near fatality, the department shall promptly notify the office of the family and children's ombuds. The department may conduct a review of the near fatality at its discretion or at the request of the office of the family and children's ombuds.

(b) In the event of a near fatality of a child who is in the care of or receiving services described in this chapter from the department (~~(or a supervising agency)~~) or who has been in the care of or received services described in this chapter from the department (~~(or a supervising agency)~~) within three months preceding the near fatality, or was the subject of an investigation by the department for possible abuse or neglect, the department shall promptly notify the office of the family and children's ombuds and the department shall conduct a review of the near fatality.

(c) "Near fatality" means an act that, as certified by a physician, places the child in serious or critical condition.

(3) In any review of a child fatality or near fatality in which the child was placed with or received services from (~~(a supervising)~~) an agency pursuant to a contract with the department, the department and the fatality review team shall have access to all records and files regarding the child or otherwise relevant to the review that have been produced or retained by the (~~(supervising)~~) agency.

(4)(a) A child fatality or near fatality review completed pursuant to this section is subject to discovery in a civil or administrative proceeding, but may

not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to this section.

(b) A department employee responsible for conducting a child fatality or near fatality review, or member of a child fatality or near fatality review team, may not be examined in a civil or administrative proceeding regarding (i) the work of the child fatality or near fatality review team, (ii) the incident under review, (iii) his or her statements, deliberations, thoughts, analyses, or impressions relating to the work of the child fatality or near fatality review team or the incident under review, or (iv) the statements, deliberations, thoughts, analyses, or impressions of any other member of the child fatality or near fatality review team, or any person who provided information to the child fatality or near fatality review team, relating to the work of the child fatality or near fatality review team or the incident under review.

(c) Documents prepared by or for a child fatality or near fatality review team are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a child fatality or near fatality review, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by a child fatality or near fatality review team. A person is not unavailable as a witness merely because the person has been interviewed by or has provided a statement for a child fatality or near fatality review, but if called as a witness, a person may not be examined regarding the person's interactions with the child fatality or near fatality review including, without limitation, whether the person was interviewed during such review, the questions that were asked during such review, and the answers that the person provided during such review. This section may not be construed as restricting the person from testifying fully in any proceeding regarding his or her knowledge of the incident under review.

(d) The restrictions set forth in this section do not apply in a licensing or disciplinary proceeding arising from an agency's effort to revoke or suspend the license of any licensed professional based in whole or in part upon allegations of wrongdoing in connection with a minor's death or near fatality reviewed by a child fatality or near fatality review team.

Sec. 63. RCW 74.13.650 and 2009 c 520 s 92 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The department shall enter into performance-based contracts with ((supervising)) agencies to provide this program.

Sec. 64. RCW 74.13B.020 and 2013 c 205 s 3 are each amended to read as follows:

(1) ((No later than July 1, 2014,)) The department shall enter into performance-based contracts for the provision of family support and related services. The department may enter into performance-based contracts for additional services, other than case management.

(2) It is the goal of the legislature to expand the coverage area of network administrators to encompass the entire state. Recognizing that phased implementation may be necessary, the department shall conduct ((a)) one or more procurement ((process)) processes to ((enter into performance-based contracts with one or more)) expand the geographic coverage of network administrators for family support and related services. ((As part of the procurement process, the department shall consult with department caseworkers, the exclusive bargaining representative for employees of the department, tribal representatives, parents who were formerly involved in the child welfare system, youth currently or previously in foster care, child welfare services researchers, and the Washington state institute for public policy to assist in identifying the categories of family support and related services that will be included in the procurement. The categories of family support and related services shall be defined no later than July 15, 2012. In identifying services, the department must review current data and research related to the effectiveness of family support and related services that mitigate child safety concerns and promote permanency, including reunification, and child well-being.)) Expenditures for family support and related services purchased under this section must remain within the levels appropriated in the operating budget.

(3)(a) Network administrators shall, directly or through subcontracts with service providers:

(i) Assist caseworkers in meeting their responsibility for implementation of case plans and individual service and safety plans; ~~((and))~~

(ii) Provide the family support and related services within the categories of contracted services that are included in a child or family's case plan or individual service and safety plan within funds available under contract;

(iii) Manage the entire family support and related service array within the geographic boundaries of a given network; and

(iv) Have the authority to redistribute funding within the network based on provider performance and the need to address service gaps if approval is provided by the department.

(b) While the department caseworker retains responsibility for case management, nothing in chapter 205, Laws of 2012 limits the ability of the department to continue to contract for the provision of case management services by child-placing agencies, behavioral rehabilitation services agencies, or other entities that provided case management under contract with the department prior to July 1, 2005.

~~(4) ((In conducting the procurement, the department shall actively consult with other state agencies with relevant expertise, such as the health care authority, and with philanthropic entities with expertise in performance-based contracting for child welfare services. The director of the office of financial management must approve the request for proposal prior to its issuance.~~

~~(5))~~ The procurement process must be developed and implemented in a manner that complies with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and must provide an opportunity for tribal governments to contract for service delivery through network administrators.

~~((6))~~ (5) The procurement and resulting contracts must include, but are not limited to, the following standards and requirements:

(a) The use of family engagement approaches to successfully motivate families to engage in services and training of the network's contracted providers to apply such approaches;

(b) The use of parents and youth who are successful veterans of the child welfare system to act as mentors through activities that include, but are not limited to, helping families navigate the system, facilitating parent engagement, and minimizing distrust of the child welfare system;

(c) The establishment of qualifications for service providers participating in provider networks, such as appropriate licensure or certification, education, and accreditation by professional accrediting entities;

(d) Adequate provider capacity to meet the anticipated service needs in the network administrator's contracted service area. The network administrator must be able to demonstrate that its provider network is culturally competent and has adequate capacity to address disproportionality, including utilization of tribal and other ethnic providers capable of serving children and families of color or who need language-appropriate services;

(e) Fiscal solvency of network administrators and providers participating in the network;

(f) The use of evidence-based, research-based, and promising practices, where appropriate, including fidelity and quality assurance provisions;

(g) Network administrator quality assurance activities, including monitoring of the performance of providers in their provider network, with respect to meeting measurable service outcomes;

(h) Network administrator data reporting, including data on contracted provider performance and service outcomes; and

(i) Network administrator compliance with applicable provisions of intergovernmental agreements between the state of Washington and tribal governments and the federal and Washington state Indian child welfare act.

~~((7))~~ (6) As part of the procurement process under this section to expand the coverage of network administrators, the department shall issue the request for proposals or request for information no later than ~~((December 31, 2013, shall begin))~~ September 30, 2018, to expand the coverage area of the existing network administrator or expand the number of network administrators so that there is expanded network administrator coverage on the east side of the crest of the Cascade mountain range. Expanded implementation of performance-based contracting must begin no later than ~~((July 1, 2014, and shall fully implement performance-based contracting no later than July 1, 2015))~~ January 30, 2019, if a qualified organization responds to the procurement process. Based on the costs and benefits of the network administrator expansion in this subsection, the department shall submit a recommendation to the oversight board for children, youth, and families established pursuant to RCW 43.216.015 and the appropriate committees of the legislature by September 1, 2020, regarding the time frame for expansion of network administrator coverage to additional regions of the state.

~~((8))~~ (7) Performance-based payment methodologies must be used in network administrator contracting. Performance measures should relate to successful engagement by a child or parent in services included in their case plan, and resulting improvement in identified problem behaviors and interactions. For the initial three-year period of implementation of performance-based contracting, the department may transfer financial risk for the provision of

services to network administrators only to the limited extent necessary to implement a performance-based payment methodology, such as phased payment for services. However, the department may develop a shared savings methodology through which the network administrator will receive a defined share of any savings that result from improved performance. If the department receives a Title IV-E waiver, the shared savings methodology must be consistent with the terms of the waiver. If a shared savings methodology is adopted, the network administrator shall reinvest the savings in enhanced services to better meet the needs of the families and children they serve.

~~((9))~~ (8) The department must actively monitor network administrator compliance with the terms of contracts executed under this section.

~~((10))~~ (9) The use of performance-based contracts under this section must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare-related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

(10) The department shall, consistent with state and federal confidentiality requirements:

(a) Share all relevant data with the network administrators in order for the network administrators to track the performance and effectiveness of the services in the network; and

(b) Make all performance data available to the public.

(11) The department must not require existing network administrators to reapply to provide network administrator services in the coverage area of the existing network administrator on the effective date of this section.

(12) Beginning January 1, 2019, and in compliance with RCW 43.01.036, the department shall annually submit to the oversight board for children, youth, and families established pursuant to RCW 43.216.015 and the appropriate committees of the legislature a report detailing the status of the network administrator procurement and implementation process.

(13) In determining the cost estimate for expanded network administrator implementation, the department shall consider the value of the existing data platform for child welfare services.

Sec. 65. RCW 74.15.010 and 2009 c 520 s 12 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

(1) To safeguard the health, safety, and well-being of children, expectant mothers and developmentally disabled persons receiving care away from their own homes, which is paramount over the right of any person to provide care;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate foster family homes and maternity-care facilities, both public and private, through the cooperative efforts of public ~~((and supervising))~~ agencies and related groups;

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

Sec. 66. RCW 74.15.020 and 2017 c 39 s 11 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi)

registers with the secretary of state as provided in RCW 24.03.550. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) (~~"Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance based contract with the department to provide child welfare services.~~

(H)) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and

training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 67. RCW 74.15.020 and 2017 3rd sp.s. c 6 s 408 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than

thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi) registers with the secretary of state as provided in RCW 24.03.550. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host home program that receives local, state, or government funding shall report the following

information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

~~(10) ("Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance based contract with the department to provide child welfare services.~~

(H)) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 68. RCW 74.15.100 and 2009 c 520 s 16 and 2009 c 206 s 1 are each reenacted and amended to read as follows:

Each agency (~~or supervising agency~~) shall make application for a license or renewal of license to the department on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee. The license shall be limited to a particular location which shall be stated on the license. For licensed foster-family homes having an acceptable history of child care, the license may remain in effect for thirty days after a move, except that this will apply only if the family remains intact. Licensees must notify their licensor before moving to a new location and may request a continuation of the license at the new location. At the request of the licensee, the department shall, within thirty days following a foster-family home licensee's move to a new location, amend the license to reflect the new location, provided the new location and the licensee meet minimum licensing standards.

NEW SECTION. Sec. 69. The following acts or parts of acts are each repealed:

(1) RCW 74.13.320 (Printing informational materials—Department's duty) and 2009 c 520 s 80 & 1990 c 284 s 15;

(2) RCW 74.13.360 (Performance-based contracts—Child welfare demonstration sites—Department duties—Contracts with tribes) and 2016 c 184 s 1, 2013 c 205 s 4, 2012 c 205 s 8, 2010 c 291 s 4, & 2009 c 520 s 3;

(3) RCW 74.13.362 (Performance-based contracts—Legislative mandate) and 2009 c 520 s 4;

(4) RCW 74.13.364 (Performance-based contracts—State authority—Selection of demonstration sites) and 2010 c 291 s 5 & 2009 c 520 s 5;

(5) RCW 74.13.366 (Performance-based contracts—Preference for qualifying private nonprofit entities) and 2010 c 291 s 6 & 2009 c 520 s 6;

(6) RCW 74.13.370 (Performance-based contracts—Washington state institute for public policy report) and 2016 c 184 s 2, 2012 c 205 s 9, & 2009 c 520 s 9;

(7) RCW 74.13.372 (Performance-based contracts—Determination of expansion of delivery of child welfare services by contractors—Governor's duty) and 2016 c 184 s 3, 2012 c 205 s 11, & 2009 c 520 s 10; and

(8) RCW 43.10.280 (Dependency and termination of parental rights—Legal services to supervising agencies under state contract) and 2009 c 520 s 7.

NEW SECTION. Sec. 70. Sections 3, 8, 13, 20, 33, 36, and 66 of this act take effect July 1, 2018.

NEW SECTION. Sec. 71. Sections 2, 7, 12, 19, 32, 35, and 65 of this act expire July 1, 2018.

Passed by the Senate March 6, 2018.

Passed by the House March 1, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 285

[Senate Bill 6408]

BODY WORN CAMERAS--LAW ENFORCEMENT AND CORRECTIONS OFFICERS

AN ACT Relating to body worn cameras, but only with respect to making existing requirements and public records act provisions governing body worn cameras permanent and applicable to all law enforcement and corrections agencies deploying body worn cameras, strengthening privacy protections for intimate images in body worn camera recordings, and clarifying records retention requirements for body worn camera recordings; amending RCW 10.109.010 and 10.109.030; and reenacting and amending RCW 42.56.240.

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

Sec. 1. RCW 42.56.240 and 2017 c 261 s 7 and 2017 c 72 s 3 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative

or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030;

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image (~~as defined in RCW 9A.86.010~~);

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer (~~from a covered jurisdiction~~) while in the course of his or her official duties (~~and that is made on or after June 9, 2016, and prior to July 1, 2019~~); and

(ii) (~~"Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of June 9, 2016, regardless of whether or not body worn cameras are being deployed in the jurisdiction on June 9, 2016, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis~~) "Intimate image" means an individual or individuals engaged in sexual activity, including sexual intercourse as defined in RCW 9A.44.010 and masturbation, or an individual's intimate body parts, whether nude or visible through less than opaque clothing, including the genitals, pubic area, anus, or postpubescent female nipple.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records in accordance with the applicable records retention schedule;

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545; (~~and~~)

(16)(a) Survivor communications with, and survivor records maintained by, campus-affiliated advocates.

(b) Nothing in this subsection shall be construed to restrict access to records maintained by a campus-affiliated advocate in the event that:

(i) The survivor consents to inspection or copying;

(ii) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(iii) Inspection or copying is required by federal law; or

(iv) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(c) "Campus-affiliated advocate" and "survivor" have the definitions in RCW 28B.112.030; and

(17) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to chapter 261, Laws of 2017.

Sec. 2. RCW 10.109.010 and 2016 c 163 s 5 are each amended to read as follows:

(1) A law enforcement or corrections agency that deploys body worn cameras must establish policies regarding the use of the cameras. The policies must, at a minimum, address:

(a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;

(b) How a law enforcement or corrections officer is to respond to circumstances when it would be reasonably anticipated that a person may be unwilling or less willing to communicate with an officer who is recording the communication with a body worn camera;

(c) How a law enforcement or corrections officer will document when and why a body worn camera was deactivated prior to the conclusion of an interaction with a member of the public while conducting official law enforcement or corrections business;

(d) How, and under what circumstances, a law enforcement or corrections officer is to inform a member of the public that he or she is being recorded, including in situations where the person is a non-English speaker or has limited English proficiency, or where the person is deaf or hard of hearing;

(e) How officers are to be trained on body worn camera usage and how frequently the training is to be reviewed or renewed; and

(f) Security rules to protect data collected and stored from body worn cameras.

(2) A law enforcement or corrections agency that deploys body worn cameras before June 9, 2016, must establish the policies within one hundred twenty days of June 9, 2016. A law enforcement or corrections agency that deploys body worn cameras on or after June 9, 2016, must establish the policies before deploying body worn cameras.

~~((3) This section expires July 1, 2019.)~~

Sec. 3. RCW 10.109.030 and 2016 c 163 s 8 are each amended to read as follows:

~~((+))~~ For state and local agencies, a body worn camera may only be used by officers employed by a general authority Washington law enforcement agency as defined in RCW 10.93.020, any officer employed by the department of corrections, and personnel for jails as defined in RCW 70.48.020 and detention facilities as defined in RCW 13.40.020.

~~((2) This section expires July 1, 2019.)~~

Passed by the Senate February 8, 2018.

Passed by the House March 1, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 286

[Engrossed Substitute Senate Bill 6413]

FIREFIGHTING--TOXIC CHEMICAL USE

AN ACT Relating to reducing the use of certain toxic chemicals in firefighting activities; adding a new chapter to Title 70 RCW; and prescribing penalties.

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

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Class B firefighting foam" means foams designed for flammable liquid fires.

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

(3) "Firefighting personal protective equipment" means any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, and respiratory equipment.

(4) "Local governments" includes any county, city, town, fire district, regional fire protection authority, or other special purpose district that provides firefighting services.

(5) "Manufacturer" includes any person, firm, association, partnership, corporation, organization, joint venture, importer, or domestic distributor of firefighting agents or firefighting equipment. For the purposes of this subsection, "importer" means the owner of the product.

(6) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS chemicals" means, for the purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(7) "Chemical plant" has the same meaning as in WAC 296-24-33001, as that section existed as of January 1, 2018.

NEW SECTION. **Sec. 2.** Beginning July 1, 2018, a person, local government, or state agency may not discharge or otherwise use for training purposes class B firefighting foam that contains intentionally added PFAS chemicals.

NEW SECTION. **Sec. 3.** (1) Beginning July 1, 2020, a manufacturer of class B firefighting foam may not manufacture, knowingly sell, offer for sale,

distribute for sale, or distribute for use in this state class B firefighting foam to which PFAS chemicals have been intentionally added.

(2) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS chemicals are required by federal law, including but not limited to the requirements of 14 C.F.R. 139.317, as that section existed as of January 1, 2018. In the event that applicable federal regulations change after January 1, 2018, to allow the use of alternative firefighting agents that do not contain PFAS chemicals, then the department may adopt rules that restrict PFAS chemicals for the manufacture, sale, and distribution of firefighting foam for uses that are addressed by the federal regulation.

(3) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a terminal, as defined in RCW 82.23A.010, operated by the person or an oil refinery operated by the person.

(4) The restrictions in subsection (1) of this section do not apply to any manufacture, sale, or distribution of class B firefighting foam to a person for use at a chemical plant operated by the person.

NEW SECTION. Sec. 4. (1) Beginning July 1, 2018, a manufacturer or other person that sells firefighting personal protective equipment to any person, local government, or state agency must provide written notice to the purchaser at the time of sale if the firefighting personal protective equipment contains PFAS chemicals. The written notice must include a statement that the firefighting personal protective equipment contains PFAS chemicals and the reason PFAS chemicals are added to the equipment.

(2) The manufacturer or person selling firefighting personal protective equipment and the purchaser of the equipment must retain the notice on file for at least three years from the date of the transaction. Upon the request of the department, a person, manufacturer, or purchaser must furnish the notice, or written copies, and associated sales documentation to the department within sixty days.

NEW SECTION. Sec. 5. (1) A manufacturer of class B firefighting foam restricted under section 3 of this act must notify, in writing, persons that sell the manufacturer's products in this state about the provisions of this chapter no less than one year prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a class B firefighting foam prohibited under section 3 of this act shall recall the product and reimburse the retailer or any other purchaser for the product.

NEW SECTION. Sec. 6. (1) The department may request a certificate of compliance from a manufacturer of class B firefighting foam or firefighting personal protective equipment. A certificate of compliance attests that a manufacturer's product or products meets the requirements of this chapter.

(2) Beginning July 1, 2018, the department shall assist the department of enterprise services, other state agencies, fire protection districts, and other local governments to avoid purchasing or using class B firefighting foams to which PFAS chemicals have been intentionally added. The department shall assist the department of enterprise services, other state agencies, fire protection districts, and other local governments to give priority and preference to the purchase of

firefighting personal protective equipment that does not contain PFAS chemicals.

NEW SECTION. Sec. 7. A manufacturer of class B firefighting foam in violation of section 3 or 5 of this act or a person in violation of section 2 or 4 of this act is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers, local governments, or persons that are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW.

Passed by the Senate March 5, 2018.

Passed by the House February 27, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 287

[Substitute Senate Bill 6437]

ABANDONED RECREATIONAL VEHICLES--DISPOSAL--COST

AN ACT Relating to the disposal of recreational vehicles abandoned on public property; amending RCW 46.79.110 and 46.80.020; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.55 RCW; adding a new section to chapter 46.17 RCW; adding a new section to chapter 46.68 RCW; adding a new chapter to Title 46 RCW; creating new sections; and providing an effective date.

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

NEW SECTION. Sec. 1. The legislature finds that:

(1) Registered tow truck operators have continuing problems involving the disposal of recreational vehicles that have been impounded and abandoned pursuant to chapter 46.55 RCW;

(2) Traditional methods of disposal are no longer adequate to meet the increasing problem of abandoned recreational vehicles in Washington state;

(3) Abandoned recreational vehicles continue to be a hazard to the health and safety of citizens, business owners, and the environment; and

(4) Adequate funding is necessary to resolve the problem of abandoned recreational vehicles in a manner that is environmentally friendly and economically sound so that registered tow truck operators may be successful in their duties of public impounding, transporting, and storing unauthorized vehicles.

NEW SECTION. Sec. 2. A new section is added to chapter 46.55 RCW to read as follows:

(1) A registered tow truck operator may transport an abandoned recreational vehicle under section 5 of this act without being licensed as a hulk hauler. The transport of an abandoned recreational vehicle by a registered tow truck operator under this chapter must be completed by utilizing a reasonable, direct, and safe route on the date of transport.

(2) A registered tow truck operator must provide a written record of the delivery to a licensed dismantler or authorized disposal site for each abandoned recreational vehicle by use of an abandoned vehicle report or junk vehicle affidavit to be sent to the department. A copy of the report must be maintained in the vehicle transaction file. Completion of the report relieves the registered tow truck operator from any civil or criminal liability for the disposal of a properly processed abandoned recreational vehicle.

Sec. 3. RCW 46.79.110 and 2001 c 64 s 12 are each amended to read as follows:

Nothing contained in this chapter shall be construed to prohibit: Any individual not engaged in business as a hulk hauler or scrap processor from towing any vehicle owned by him or her to any vehicle wrecker or scrap processor, or a registered tow truck operator from transporting an abandoned recreational vehicle under section 5 of this act in compliance with this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a registration for a recreational vehicle, the department, county auditor, or other agent, or subagent appointed by the director, shall require an applicant to pay a six-dollar fee in addition to any other fees and taxes required by law.

(2) The abandoned recreational disposal fee must be deposited into the abandoned recreational vehicle disposal account created in section 6 of this act.

(3) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

NEW SECTION. Sec. 5. (1) A registered tow truck operator, as defined in RCW 46.55.010, vehicle wrecker, as defined in RCW 46.80.010, or scrap processor, as defined in RCW 46.79.010, and scrap metal businesses, as defined in RCW 19.290.010, may apply to the department on a form prescribed by the department for cost reimbursement for the towing, transport, storage, dismantling, and disposal of abandoned recreational vehicles from public property.

(2) The department may only use funds under section 6 of this act for cost reimbursement for the towing, transport, storage, dismantling, and disposal of abandoned recreational vehicles. The department may not authorize reimbursements that total more than ten thousand dollars per vehicle for which cost reimbursements are requested.

(3) After consulting with the 2017 stakeholder group, the department may develop rules including, but not limited to, towing, transport, storage, dismantling, and disposal rates, application form and contents, and cost reimbursement and the reimbursement process, to implement this section.

(4) The department shall convene a stakeholder work group every two years, with the first meeting to be held within twelve months of rule adoption, to make recommendations on rule amendments.

(5) For the purposes of this section, an "abandoned recreational vehicle" means a camper, motorhome, or travel trailer that has been impounded from public property, abandoned pursuant to chapter 46.55 RCW, and received no bids at auction, or declared an abandoned junk vehicle by a law enforcement officer, pursuant to chapter 46.55 RCW, while on public property.

NEW SECTION. Sec. 6. A new section is added to chapter 46.68 RCW to read as follows:

(1) The abandoned recreational vehicle disposal account is created in the state treasury. All receipts from the fee imposed in section 4 of this act must be deposited into the account. The account may receive fund transfers and appropriations from the general fund, as well as gifts, grants, and endowments from public or private sources, in trust or otherwise, for the use and benefit of the purposes of this act and expend any income according to the terms of the gifts, grants, or endowments, provided that those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this act.

(2) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only by the department to reimburse registered tow truck operators and licensed dismantlers for up to one hundred percent of the total reasonable and auditable administrative costs for transport, dismantling, and disposal of abandoned recreational vehicles under section 5 of this act when the last registered owner is unknown after a reasonable search effort. Compliance with RCW 46.55.100 is considered a reasonable effort to locate the last registered owner of the abandoned recreational vehicle. Any funds received by the registered tow truck operators or licensed dismantlers through collection efforts from the last owner of record shall be turned over to the department for vehicles reimbursed under section 5 of this act.

(3) Funds in the account resulting from transfers from the general fund must be used to reimburse one hundred percent of eligible costs up to a limit of ten thousand dollars per vehicle for which cost reimbursements are requested.

(4) In each fiscal biennium, beginning in the 2019-2021 fiscal biennium, up to fifteen percent of the expenditures from the account may be used for administrative expenses of the department in implementing this chapter.

Sec. 7. RCW 43.84.092 and 2017 3rd sp.s. c 25 s 50, 2017 3rd sp.s. c 12 s 12, and 2017 c 290 s 8 are each reenacted and amended to read as follows:

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

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

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and

disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the

municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state

university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

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

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

Sec. 8. RCW 46.80.020 and 2003 c 53 s 253 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, it is unlawful for a person to engage in the business of wrecking vehicles without having first applied for and received a license.

(b) As defined in chapter 70.95 RCW, a solid waste disposal site that is compliant with all applicable regulations may wreck a nonmotorized abandoned recreational vehicle, as defined in section 5 of this act.

(2)(a) Except as provided in (b) of this subsection, a person or firm engaged in the unlawful activity described in this section is guilty of a gross misdemeanor.

(b) A second or subsequent offense is a class C felony punishable according to chapter 9A.20 RCW.

NEW SECTION. **Sec. 9.** Section 4 of this act applies to vehicle registrations that are due or become due on or after May 1, 2019.

NEW SECTION. **Sec. 10.** The director of licensing may take necessary steps to ensure that this act is implemented on its effective date.

NEW SECTION. **Sec. 11.** Section 5 of this act constitutes a new chapter in Title 46 RCW.

NEW SECTION. **Sec. 12.** This act takes effect May 1, 2019.

Passed by the Senate March 5, 2018.

Passed by the House March 2, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 288

[Substitute Senate Bill 6452]

CHILDREN'S MENTAL HEALTH--PARTNERSHIP ACCESS LINE

AN ACT Relating to expanding the activities of the children's mental health services consultation program; amending RCW 71.24.061; creating a new section; and providing an expiration date.

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

NEW SECTION. **Sec. 1.** (1) The health care authority shall convene the University of Washington, Seattle children's hospital, medicaid managed care organizations, organizations connecting families to children's mental health

services and providers, health insurance carriers as defined in RCW 48.44.010, and the office of the insurance commissioner to recommend:

- (a) An alternative funding model for the partnership access line; and
- (b) A strategy to ensure that expanded services for the partnership access line identified in subsection (2) of this section do not duplicate existing requirements for medicaid managed care organizations as required by RCW 74.09.492.

(2) The funding model must identify potential sources to support:

- (a) Current partnership access line services for primary care providers;
- (b) An expansion of partnership access line services to include consultation services for primary care providers treating depression in pregnant women and new mothers; and
- (c) An expansion of partnership access line services to include referrals to children's mental health services and other resources for parents and guardians with concerns related to their child's mental health.

(3) In the development of the alternative funding model, the authority and office of the insurance commissioner must:

- (a) Consider a mechanism that determines the annual cost of operating the partnership access line and collects a proportional share of the program cost from each health insurance carrier; and
- (b) Differentiate between partnership access line activities eligible for medicaid funding from other nonmedicaid eligible activities.

(4) By December 1, 2018, the authority must recommend a plan to the appropriate committees of the legislature, and the children's mental health work group created in chapter . . . , Laws of 2018 (Engrossed Second Substitute House Bill No. 2779), if chapter . . . , Laws of 2018 (Engrossed Second Substitute House Bill No. 2779) is enacted by the effective date of this section.

(5) This section expires December 30, 2018.

Sec. 2. RCW 71.24.061 and 2014 c 225 s 35 are each amended to read as follows:

(1) The department shall provide flexibility in provider contracting to behavioral health organizations for children's mental health services. Beginning with 2007-2009 biennium contracts, behavioral health organization contracts shall authorize behavioral health organizations to allow and encourage licensed community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, (~~children's hospital and regional medical center~~) Seattle children's hospital, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose,

the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the department and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the ~~((department))~~ health care authority in collaboration with the ~~((evidence-based practice institute))~~ University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall:

(a) ~~Implement a ((pilot))~~ program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program;

(b) Beginning January 1, 2019, implement a two-year pilot program called the partnership access line for moms and kids to:

(i) Support obstetricians, pediatricians, primary care providers, mental health professionals, and other health care professionals providing care to pregnant women and new mothers through same-day telephone consultations in the assessment and provision of appropriate diagnosis and treatment of depression in pregnant women and new mothers; and

(ii) Facilitate referrals to children's mental health services and other resources for parents and guardians with concerns related to the mental health of the parent or guardian's child. Facilitation activities include assessing the level of services needed by the child; within seven days of receiving a call from a parent or guardian, identifying mental health professionals who are in-network with the child's health care coverage who are accepting new patients and taking appointments; coordinating contact between the parent or guardian and the

mental health professional; and providing postreferral reviews to determine if the child has outstanding needs. In conducting its referral activities, the program shall collaborate with existing databases and resources to identify in-network mental health professionals.

(c) The program activities described in (a) and (b)(i) of this subsection shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

(4) The health care authority, in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, shall report on the following:

(a) The number of individuals who have accessed the resources described in subsection (3) of this section;

(b) The number of providers, by type, who have accessed the resources described in subsection (3) of this section;

(c) Demographic information, as available, for the individuals described in (a) of this subsection. Demographic information may not include any personally identifiable information and must be limited to the individual's age, gender, and city and county of residence;

(d) A description of resources provided;

(e) Average time frames from receipt of call to referral for services or resources provided; and

(f) Systemic barriers to services, as determined and defined by the health care authority, the University of Washington department of psychiatry and behavioral sciences, and Seattle children's hospital.

(5) Beginning December 30, 2019, and annually thereafter, the health care authority must submit, in compliance with RCW 43.01.036, a report to the governor and appropriate committees of the legislature with findings and recommendations for improving services and service delivery from subsection (4) of this section.

(6) The health care authority shall enforce requirements in managed care contracts to ensure care coordination and network adequacy issues are addressed in order to remove barriers to access to mental health services identified in the report described in subsection (4) of this section.

Passed by the Senate March 6, 2018.

Passed by the House March 1, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 289

[Senate Bill 6462]

OIL TANK INSURANCE--REAL ESTATE DISCLOSURE

AN ACT Relating to the seller's real estate disclosure regarding oil tank insurance; adding a new section to chapter 64.06 RCW; and providing an effective date.

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

NEW SECTION. Sec. 1. A new section is added to chapter 64.06 RCW to read as follows:

A seller of residential real property shall make available to the buyer the following statement: "This notice is to inform you that if the real property you are considering for purchase utilizes an oil tank for heating purposes, no cost insurance may be available from the pollution liability insurance agency."

NEW SECTION. Sec. 2. This act takes effect January 1, 2020.

Passed by the Senate February 13, 2018.

Passed by the House March 1, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 290

[Substitute Senate Bill 6474]

TRIBAL COMPACT SCHOOLS--SCHOOL REQUIREMENT MODIFICATIONS--PILOT

AN ACT Relating to creating a pilot project for tribal compact schools that accommodates cultural and agricultural events in school attendance requirements; adding new sections to chapter 28A.715 RCW; adding a new section to chapter 28A.300 RCW; creating a new section; and providing expiration dates.

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

NEW SECTION. Sec. 1. A new section is added to chapter 28A.715 RCW to read as follows:

(1) The office of the superintendent of public instruction shall establish a pilot project for one or more schools that are the subject of a state-tribal education compact, schools also known as "tribal compact schools," to implement modifications to requirements governing school attendance, school year length, and assessments. Tribal compact schools that apply to the office of the superintendent of public instruction to participate in the pilot project must be included in the pilot project.

(2) The purpose of the pilot project is to grant participating schools flexibility regarding:

(a) Accommodating cultural, fisheries, and agricultural events and practices; and

(b) Replacing, to the maximum extent permitted by state and federal law, statewide student assessments with locally developed assessments that are culturally relevant, based on community standards, and aligned with the Washington state learning standards.

(3) Schools participating in the pilot project may:

(a) Request a waiver, in accordance with section 2 of this act, to the requirement for a one hundred eighty-day school year established in RCW 28A.150.220. The waiver requested in accordance with this subsection (3)(a) may be for allowing additional instructional days, including an allowance for year-round instruction;

(b) Develop curricula that links student learning with engagement in cultural, fisheries, and agricultural programs, and aligns with the Washington state learning standards;

(c) Request authorization to consider student participation in cultural, fisheries, or agricultural programs as instructional days for the purposes of RCW 28A.150.220(5);

(d) Replace, to the maximum extent permitted by state and federal law, statewide student assessments with locally developed assessments that are culturally relevant, based on community standards, and aligned with the Washington state learning standards; and

(e) Consider and implement, to the maximum extent permitted by state and federal law, other modifications to requirements as determined by each participating school.

(4) The office of native education within the office of the superintendent of public instruction must collaborate with each tribal compact school participating in the pilot project, including providing technical support and assistance, and review any terms of the compact that relate to the school's implementation of the pilot project.

(5) The office of the superintendent of public instruction, in establishing the pilot project required by this section, shall explore and pursue options for granting flexibility to participating schools from state and federal requirements, including requirements related to assessments, to further the purpose of the pilot project as expressed in subsection (2) of this section.

(6) If requested by a tribal compact school participating or intending to participate in the pilot project, the superintendent of public instruction shall convene a government-to-government meeting with the tribal compact school for the purpose of revising the compact to reflect the terms of the pilot project. The superintendent of public instruction may also convene a government-to-government meeting on his or her own accord.

(7) Nothing contained in this section is intended or may be construed to limit the amount of funding allocated to tribal compact schools participating in the pilot project.

(8)(a) Each tribal compact school participating in the pilot project shall submit a report every two years to the appropriate committees of the house of representatives and senate and the office of the superintendent of public instruction, with the first report submitted no later than August 1, 2021.

(b) Reports submitted in accordance with this subsection (8) must include:

(i) Information about student performance on assessments required for state and federal accountability purposes and locally developed assessments under subsection (3)(d) of this section, including differences in student performance between the statewide and locally developed assessments; and

(ii) Recommendations for lessening or removing barriers that may affect either student performance on assessments, the effective administration of assessments, or both.

(c) The final report of each participating school must include a recommendation of whether the pilot project should be modified, continued, expanded, or discontinued.

(d) Reports submitted to the house of representatives and the senate in accordance with this subsection (8) must comply with RCW 43.01.036.

(9) The pilot project expires August 1, 2023.

(10) This section expires September 1, 2023.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall, upon receipt of an application from a school that is the subject of a state-tribal education compact and that is participating in the pilot project established in section 1 of this act:

(a) Grant a waiver from the requirements for a one hundred eighty-day school year under RCW 28A.150.220; and

(b) Authorize the school to consider student participation in cultural, fisheries, or agricultural programs as instructional days for the purposes of RCW 28A.150.220(5).

(2) This section expires September 1, 2023.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.715 RCW to read as follows:

(1) Students in a school that is the subject of a state-tribal education compact and that is participating in the pilot project established in section 1 of this act are exempt from the obligation to earn:

(a) A certificate of academic achievement as a prerequisite for graduating from a public high school under RCW 28A.230.090 and 28A.655.061; or

(b) A certificate of individual achievement as a prerequisite for graduating from a public high school under RCW 28A.155.045 and 28A.230.090.

(2) If a student attends a school that is participating in the pilot project established in section 1 of this act, the statewide high school assessments in English language arts and mathematics that are administered under RCW 28A.655.070 may not be used:

(a) To determine whether the student has met the requirements for graduating from a public high school; or

(b) For assessing the student's career and college readiness.

(3) Schools participating in the pilot project established in section 1 of this act are exempt from the provisions in RCW 28A.230.125 that require standardized high school transcripts to include a notation of whether the student has earned a certificate of individual achievement or certificate of academic achievement.

(4) This section expires September 1, 2023.

NEW SECTION. Sec. 4. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

Passed by the Senate March 6, 2018.

Passed by the House March 1, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 291

[Engrossed Substitute Senate Bill 6491]

ASSISTED OUTPATIENT BEHAVIORAL HEALTH TREATMENT

AN ACT Relating to increasing the availability of assisted outpatient behavioral health treatment; amending RCW 71.05.020, 71.05.150, 71.05.150, 71.05.230, 71.05.240, 71.05.590, 71.05.590, 71.05.201, 71.05.156, 71.05.212, 71.05.245, 71.05.280, and 71.05.595; reenacting and amending RCW 71.05.585 and 71.05.240; adding a new section to chapter 71.05 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

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

Sec. 1. RCW 71.05.020 and 2017 3rd sp.s. c 14 s 14 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) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

(7) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of social and health services;

(13) "Designated crisis responder" means a mental health professional appointed by the county, an entity appointed by the county, or the behavioral health organization to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(18) "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;

(19) "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 certified as such by the department. The department 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 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;

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(21) "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;

(22) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

(23) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(24) "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;

(25) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(26) "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;

(27) "In need of assisted outpatient (~~mental~~) behavioral health treatment" means that a person, as a result of a mental disorder or substance use disorder:

~~(a) (Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty six months preceding the date of initial detention of the current commitment cycle; (b))~~ Has been committed by a court to detention for involuntary behavioral health treatment during the preceding thirty-six months;

~~(b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, ((in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e))~~ based on a history of nonadherence with treatment or in

view of the person's current behavior; (c) is likely to benefit from less restrictive alternative treatment; and (d) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time~~(. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation))~~;

(28) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(29) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

(30) "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;

(31) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(32) "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;

(33) "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;

(34) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(35) "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;

(36) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification

facilities as defined in this section, and correctional facilities operated by state and local governments;

(37) "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;

(38) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

(39) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

(40) "Professional person" means a mental health professional, chemical dependency 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;

(41) "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;

(42) "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;

(43) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(44) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(45) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

(46) "Release" means legal termination of the commitment under the provisions of this chapter;

(47) "Resource management services" has the meaning given in chapter 71.24 RCW;

(48) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(49) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

(50) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(51) "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;

(52) "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;

(53) "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;

(54) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health 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, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(55) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services 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;

(56) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 2. RCW 71.05.585 and 2016 sp.s. c 29 s 241 and 2016 c 45 s 5 are each reenacted and amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation;
- (d) ~~((Medication management;~~
- ~~((e)))~~ A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;

~~((f)))~~ (e) A transition plan addressing access to continued services at the expiration of the order; ~~((and~~

- ~~((g)))~~ (f) An individual crisis plan; and
- (g) Notification to the care coordinator assigned in (a) of this subsection if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

- (a) Medication management;
- (b) Psychotherapy;
- ~~((b)))~~ (c) Nursing;
- ~~((e)))~~ (d) Substance abuse counseling;
- ~~((d)))~~ (e) Residential treatment; and
- ~~((e)))~~ (f) Support for housing, benefits, education, and employment.

(3) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(4) The care coordinator assigned to a person ordered to less restrictive alternative treatment must submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(5) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW to read as follows:

This section establishes a process for initial evaluation and filing of a petition for assisted outpatient behavioral health treatment, but however does not preclude the filing of a petition for assisted outpatient behavioral health treatment following a period of inpatient detention in appropriate circumstances:

(1) The designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at a mental health

facility, secure detoxification facility, or approved substance use disorder treatment program.

(2) The designated crisis responder must investigate and evaluate the specific facts alleged and the reliability or credibility of any person providing information. The designated crisis responder may spend up to forty-eight hours to complete the investigation, provided that the person may not be held for investigation for any period except as authorized by RCW 71.05.050 or 71.05.153.

(3) If the designated crisis responder finds that the person is in need of assisted outpatient behavioral health treatment, they may file a petition requesting the court to enter an order for up to ninety days less restrictive alternative treatment. The petition must include:

(a) A statement of the circumstances under which the person's condition was made known and stating that there is evidence, as a result of the designated crisis responder's personal observation or investigation, that the person is in need of assisted outpatient behavioral health treatment, and stating the specific facts known as a result of personal observation or investigation, upon which the designated crisis responder bases this belief;

(b) The declaration of additional witnesses, if any, supporting the petition for assisted outpatient behavioral health treatment;

(c) A designation of retained counsel for the person or, if counsel is appointed, the name, business address, and telephone number of the attorney appointed to represent the person;

(d) The name of an agency or facility which agreed to assume the responsibility of providing less restrictive alternative treatment if the petition is granted by the court;

(e) A summons to appear in court at a specific time and place within five judicial days for a probable cause hearing, except as provided in subsection (4) of this section.

(4) If the person is in the custody of jail or prison at the time of the investigation, a petition for assisted outpatient behavioral health treatment may be used to facilitate continuity of care after release from custody or the diversion of criminal charges as follows:

(a) If the petition is filed in anticipation of the person's release from custody, the summons may be for a date up to five judicial days following the person's anticipated release date, provided that a clear time and place for the hearing is provided; or

(b) The hearing may be held prior to the person's release from custody, provided that (i) the filing of the petition does not extend the time the person would otherwise spend in the custody of jail or prison; (ii) the charges or custody of the person is not a pretext to detain the person for the purpose of the involuntary commitment hearing; and (iii) the person's release from custody must be expected to swiftly follow the adjudication of the petition. In this circumstance, the time for hearing is shortened to three judicial days after the filing of the petition.

(5) The petition must be served upon the person and the person's counsel with a notice of applicable rights. Proof of service must be filed with the court.

(6) A petition for assisted outpatient behavioral health treatment filed under this section must be adjudicated under RCW 71.05.240.

Sec. 4. RCW 71.05.150 and 2016 sp.s. c 29 s 210 are each amended to read as follows:

(1)~~((a))~~) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient ~~((mental))~~ behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient ~~((evaluation))~~ treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention ~~((or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.~~

~~((b))~~) under this section or a petition for involuntary outpatient behavioral health treatment under section 3 of this act. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period~~((or an order for an involuntary outpatient evaluation,))~~ may be issued by a judge of the superior court upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and
 (ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention ~~((or involuntary outpatient evaluation))~~, 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 detoxification facility or approved substance use disorder treatment program

unless there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention (~~(or involuntary outpatient evaluation)~~). 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 detoxification facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification 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 detoxification facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 5. RCW 71.05.150 and 2016 sp.s. c 29 s 211 are each amended to read as follows:

(1)(~~(a)~~) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient (~~(mental)~~) behavioral health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient (~~(evaluation)~~) treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention (~~(or involuntary outpatient evaluation)~~). ~~If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once~~

~~the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.~~

~~(b))~~ under this section or a petition for involuntary outpatient behavioral health treatment under section 3 of this act. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period(~~(or an order for an involuntary outpatient evaluation,))~~) may be issued by a judge of the superior court upon request of a designated crisis responder whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention (~~(or involuntary outpatient evaluation)~~), signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention (~~(or involuntary outpatient evaluation)~~). 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 detoxification facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification 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 detoxification facility, or approved substance use

disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

Sec. 6. RCW 71.05.230 and 2017 3rd sp.s. c 14 s 17 are each amended to read as follows:

A person detained (~~(or committed)~~) for seventy-two hour evaluation and treatment (~~(or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order)~~) may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative (~~(to involuntary intensive)~~) treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the (~~(agency or)~~) facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder or substance use disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient (~~(mental)~~) behavioral health treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The (~~(agency or)~~) facility providing intensive treatment (~~(or which proposes to supervise the less restrictive alternative)~~) is certified to provide such treatment by the department; and

(4)(a)(i) The professional staff of the (~~(agency or)~~) facility or the designated crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed by:

(A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and

(B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

(ii) If the petition is for substance use disorder treatment, the petition may be signed by a chemical dependency professional instead of a mental health professional and by an advanced registered nurse practitioner instead of a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person.

(b) If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a mental disorder or as a result of a substance use disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient (~~(mental)~~) behavioral health treatment, and shall set forth any recommendations for less restrictive alternative treatment services; and

(5) A copy of the petition has been served on the detained (~~(or committed)~~) person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 7. RCW 71.05.240 and 2016 sp.s. c 29 s 232 and 2016 c 45 s 2 are each reenacted and amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention (~~(or involuntary outpatient evaluation)~~) of such person as determined in RCW 71.05.180, or at a time determined under section 3 of this act. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program. A court may only enter a commitment order based on a substance use disorder if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, is in need of assisted outpatient (~~(mental)~~) behavioral health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days(~~(and may not order inpatient treatment)~~).

~~((e))~~ (4) An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

~~((f))~~ (5) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 8. RCW 71.05.240 and 2016 sp.s. c 29 s 233 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention (~~(or involuntary outpatient evaluation)~~) of such person as determined in RCW 71.05.180, or at a time determined under section 3 of this act. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order

that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, is in need of assisted outpatient ~~((mental))~~ behavioral health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days~~((, and may not order inpatient treatment))~~.

~~((e))~~ (4) An order for less restrictive alternative treatment must name the mental health service provider responsible for identifying the services the person will receive in accordance with RCW 71.05.585, and must include a requirement that the person cooperate with the services planned by the mental health service provider.

~~((f))~~ (5) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

Sec. 9. RCW 71.05.590 and 2017 3rd sp. s. c 14 s 9 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 order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initiate initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary 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.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person

is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate space. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. 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 may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative 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 may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

~~((e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.))~~

(5) 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.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under section 3 of this act, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to seventy-two hours, excluding weekends and holidays, pending a court hearing. If the person is not detained, the hearing must be scheduled within seventy-two hours of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the seventy-two hour period, the court must find that the person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

Sec. 10. RCW 71.05.590 and 2017 3rd sp.s. c 14 s 10 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 order, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility or an approved substance use disorder treatment program if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section or, if the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, initial inpatient detention procedures under subsection (6) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary 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.

(4)(a) Except as provided in subsection (6) of this section, a designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) Except as provided in subsection (6) of this section, a person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. 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 may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall file a revocation petition and order of apprehension and detention with the court of the county where the person is currently located or being detained. The designated crisis responder shall serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) Except as provided in subsection (6) of this section, the issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative 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 may be for no longer than the period authorized in the original court order.

~~((e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.))~~

(5) 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.

(6)(a) If the current commitment is solely based on the person being in need of assisted outpatient behavioral health treatment as defined in RCW 71.05.020, a designated crisis responder may initiate inpatient detention procedures under RCW 71.05.150 or 71.05.153 when appropriate. A designated crisis responder or the secretary may, upon their own motion or notification by the facility or agency designated to provide outpatient care to a person subject to a less restrictive alternative treatment order under RCW 71.05.320 subsequent to an order for assisted outpatient behavioral health treatment entered under section 3 of this act, order the person to be apprehended and taken into custody and temporary detention for inpatient evaluation in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment. Proceedings under this subsection may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection may be held for evaluation for up to seventy-two hours, excluding weekends and holidays, pending a court hearing. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The issues for the court to determine are whether to continue the detention of the person for inpatient treatment or whether the court should reinstate or modify the person's less restrictive alternative order or order the person's detention for inpatient treatment. To continue detention after the seventy-two hour period, the court must find that the person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, that no such alternatives are in the best interest of the person or others.

(d) A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

Sec. 11. RCW 71.05.201 and 2017 3rd sp.s. c 14 s 2 are each amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ten calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ten days have elapsed, the immediate family member, guardian, or conservator may request a new designated crisis responder investigation.

(3)(a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention or an order instructing the designated crisis responder to file a petition for assisted outpatient behavioral health treatment if the court finds that: (a) There is probable cause to support a petition for detention or assisted outpatient behavioral health treatment; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a written order for apprehension of the person by a peace officer for delivery of the person to a facility or emergency room determined by the designated crisis responder. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a written order issued under this subsection. An order for

detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires one hundred eighty days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 12. RCW 71.05.156 and 2016 sp.s. c 29 s 215 are each amended to read as follows:

A designated crisis responder who conducts an evaluation for imminent likelihood of serious harm or imminent danger because of being gravely disabled under RCW 71.05.153 must also evaluate the person under RCW 71.05.150 for likelihood of serious harm or grave disability that does not meet the imminent standard for emergency detention, and to determine whether the person is in need of assisted outpatient (~~(mental)~~) behavioral health treatment.

Sec. 13. RCW 71.05.212 and 2016 sp.s. c 29 s 226 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient (~~(mental)~~) behavioral health treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

Sec. 14. RCW 71.05.245 and 2015 c 250 s 8 are each amended to read as follows:

(1) In making a determination of whether a person is gravely disabled, presents a likelihood of serious harm, or is in need of assisted outpatient (~~mental~~) behavioral health treatment in a hearing conducted under RCW 71.05.240 or 71.05.320, the court must consider the symptoms and behavior of the respondent in light of all available evidence concerning the respondent's historical behavior.

(2) Symptoms or behavior which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient (~~mental~~) behavioral health treatment, when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is probable.

(3) In making a determination of whether there is a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, the court shall give great weight to any evidence before the court regarding whether the person has: (a) A recent history of one or more violent acts; or (b) a recent history of one or more commitments under this chapter or its equivalent provisions under the laws of another state which were based on a likelihood of serious harm. The existence of prior violent acts or commitments under this chapter or its equivalent shall not be the sole basis for determining whether a person presents a likelihood of serious harm.

For the purposes of this subsection "recent" refers to the period of time not exceeding three years prior to the current hearing.

Sec. 15. RCW 71.05.280 and 2016 sp.s. c 29 s 234 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of mental disorder or substance use disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of mental disorder or substance use disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled; or

(5) Such person is in need of assisted outpatient (~~(mental)~~) behavioral health treatment.

Sec. 16. RCW 71.05.595 and 2015 c 250 s 17 are each amended to read as follows:

A court order for less restrictive alternative treatment for a person found to be in need of assisted outpatient (~~(mental)~~) behavioral health treatment must be terminated prior to the expiration of the order when, in the opinion of the professional person in charge of the less restrictive alternative treatment provider, (1) the person is prepared to accept voluntary treatment, or (2) the outpatient treatment ordered is no longer necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. Sections 1 through 4, 6, 7, 9, 11, 12, 13, and 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect April 1, 2018.

NEW SECTION. Sec. 19. Sections 5, 8, and 10 of this act take effect July 1, 2026.

NEW SECTION. Sec. 20. Sections 4, 7, and 9 of this act expire July 1, 2026.

Passed by the Senate March 6, 2018.

Passed by the House March 1, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 292

[Substitute Senate Bill 6493]

INTERCOLLEGIATE ATHLETIC PROGRAMS--BUDGETING

AN ACT Relating to increased transparency and accountability for intercollegiate athletic programs at public colleges and universities; and adding a new section to chapter 28B.15 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

(1) The board of trustees or regents of each of the state's colleges and universities under RCW 28B.15.005 must specifically approve in an open public meeting, the annual budget for its programs for intercollegiate athletic competition in advance of any expenditure for that fiscal year.

(2) If a college or university's programs experience an operating deficit at the end of any fiscal year, the board of trustees or regents must:

(a) Approve a plan for how the programs will reduce operating deficits in future fiscal years;

(b) Conspicuously post to the college or university's web site the financial statements of the programs for the three prior fiscal years and the plan in (a) of this subsection. Any public records request for a copy of the financial statements or plan must be at no cost to the requester;

(c) Approve in advance any transfer exceeding two hundred fifty thousand dollars; and

(d) Except as provided in subsection (3) of this section, approve in advance any expenditure over two hundred fifty thousand dollars that was not included in the approved annual budget, in an open public meeting.

(3) Approval of an expenditure by the board of trustees or regents may occur at the next regularly scheduled board meeting after the expenditure if the expenditure is:

(a) Time sensitive and the net fiscal impact of the expenditure results in a direct revenue gain to the program; or

(b) Required to meet an immediate public safety need.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section:

(a) "Expenditure" means any discrete purchase, payment, contract amendment, or expense, unless that expenditure is required to meet an immediate public safety need.

(b) "Operating costs" means all direct and indirect costs to operate the programs including the value of any costs that are typically charged to departments, but have been waived by the college or university. Waived costs include, but are not limited to the value of tuition waivers for student athletes and any internal or central service costs not charged to the programs.

(c) "Operating deficit" means the amount by which the aggregate operating costs of the programs exceeds the aggregated receipts and revenue directly generated by the programs in the fiscal year, plus any transfers of reserves that were originally generated directly by the athletic department account.

(d) "Programs for intercollegiate athletic competition" or "programs" means those programs established under RCW 28B.10.703.

(e) "Transfers" means any transfer of moneys to an account used by programs for intercollegiate athletic competition from any account that holds moneys not directly generated by the programs.

Passed by the Senate March 6, 2018.

Passed by the House March 2, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 293

[Substitute Senate Bill 6514]

HIGHER EDUCATION--BEHAVIORAL HEALTH AND SUICIDE

AN ACT Relating to implementing a comprehensive approach to suicide prevention and behavioral health in higher education, with enhanced services to student veterans; adding new sections to chapter 28B.20 RCW; adding a new section to chapter 28B.77 RCW; creating a new section; and providing an expiration date.

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

NEW SECTION. Sec. 1. (1) Washington has been a leader in addressing suicide as a public health issue. The legislature intends for Washington to continue its leadership by supporting the creation of comprehensive suicide prevention and behavioral health initiatives for postsecondary students. In 2015, the legislature created the mental health and suicide prevention in higher education task force. The task force was charged with determining the policies, resources, and technical assistance needed to support postsecondary institutions in improving access to behavioral health services and improving suicide prevention responses. In November 2016, the task force issued its report on mental health and suicide prevention in higher education.

(2) According to the task force report:

(a) The 2005 American college health assessment survey found that nine and one-half percent of students seriously considered suicide, one and one-half percent of students nationwide have attempted suicide, and less than twenty percent were in treatment. According to the 2015 American college health association national college health assessment, seventy-five percent of postsecondary students reported feeling overwhelmed and thirty percent reported feeling so depressed it was difficult to function. More than one-third of students reported anxiety as negatively impacting academics and almost one-quarter said depression negatively impacted academics;

(b) There is incomplete data on suicide deaths among Washington's postsecondary students and the availability of behavioral health resources on Washington's campuses. There is currently no statewide system in place to track this data;

(c) Lack of funding for behavioral health resources across all sectors is the largest barrier to providing services for postsecondary students statewide;

(d) Due to funding constraints, the level of professional mental and behavioral health counseling is often limited for postsecondary institutions in all sectors. For example, six institutions in the public two-year sector servicing nearly fifty thousand students have either no professional mental health providers to counsel students or have such limited resources that the counselor to student ratio was as low as one to nearly eight thousand five hundred in 2014-2015.

(3) The legislature also recognizes that, as of 2016, there were over sixteen thousand student veterans and dependents enrolled in Washington's community and technical colleges, and approximately four thousand veterans and dependents enrolled in Washington's four-year institutions of higher education. The legislature recognizes that the risk for suicide is significantly higher among veterans when compared to nonveteran adults in the United States and that student veterans face unique challenges and often have vastly different life experiences from traditional students. According to a study presented a few

years ago at an annual convention of the American psychological association, almost half of military veterans who are enrolled in college have contemplated suicide at some point and twenty percent have planned to kill themselves.

(4) The legislature intends to implement task force recommendations by:

(a) Creating a publicly available statewide resource for postsecondary institutions;

(b) Developing and centralizing data collection; and

(c) Creating a grant program for resource-challenged institutions to help develop suicide prevention programs in those institutions, which may include for example, enhancing treatment services to student veterans; creating campus-wide crisis services; expanding existing crisis plans to integrate suicide intervention; reentry, including medical leave that supports reentry; postvention; and creating links and referral systems between campus behavioral health resources and community-based mental health resources.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.20 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, an entity within the University of Washington school of social work that has expertise in suicide prevention, in collaboration with the student achievement council, shall develop a statewide resource for behavioral health and suicide prevention for the state's postsecondary institutions.

(2) To establish the components of the statewide resource, the entity shall convene and consult with a work group that consists of representatives from stakeholder groups the entity deems appropriate. The entity must consider representatives from those organizations listed in the mental health and suicide prevention in higher education task force, created by chapter 67, Laws of 2015. At a minimum, the stakeholders in the work group must include:

(a) Representation from a tribal college;

(b) Representation from a veterans training support center;

(c) Representation from students and families;

(d) Representatives selected by the educational opportunity gap oversight and accountability committee;

(e) Representation from a community behavioral health provider;

(f) A suicide prevention expert;

(g) Representation from the department of health; and

(h) Three institutional counseling center directors or executive directors to include one from each of the following: A public four-year college or university, a private, nonprofit institution, and a community and technical college.

(3) The entity must be responsible for constructing and hosting the statewide resource and linking the resource to the student achievement council's and the department of health's web sites.

(4) At a minimum, the statewide resource must:

(a) Be made publicly available through a web-based portal or a support line;

(b) Provide a free curriculum to train faculty, staff, and students in suicide recognition and referral skills and in the specific needs of student veterans;

(c) Provide a resource to build capacity within the institutions to train individuals to deliver training in person;

(d) Contain model crisis protocols, per sector, that include behavioral health and suicide identification, intervention, reentry, and postvention;

(e) Contain model marketing materials and messages that promote student behavioral health on college campuses;

(f) Develop capacity for an annual conference for postsecondary institutions seeking to address students' behavioral health and suicide prevention needs. The entity must be responsible for hosting the first conference for postsecondary institutions; and

(g) Include resources that will serve diverse communities and underrepresented populations, including resources that are culturally relevant.

(5) The statewide resource must be made available to postsecondary institutions by June 30, 2020.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.77 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, the suicide prevention in higher education grant program is established. The purpose of the grant program is to provide funding to postsecondary institutions for the institutions to create partnerships with health care entities to provide mental health, behavioral health, and suicide prevention to students in their institutions.

(2)(a) The council shall administer the grant program in accordance with this section and in collaboration with the work group convened by the entity within the University of Washington school of social work specified under section 2 of this act. The council shall establish minimum criteria that grant recipients must meet to be awarded a grant. The grant program must be implemented by November 1, 2019.

(b) The council must award the first six grants created under this section to public institutions of higher education. When selecting the recipients of the first six grants under this subsection, the council must consult with the state board for community and technical colleges. The council must identify which public institutions of higher education have the greatest need, have a clear and strong demonstration of willingness from leadership to utilize the statewide resources created under section 2 of this act, and can develop partnerships to enhance capacity. From those identified public institutions of higher education, proposals that enhance treatment services to student veterans must be given priority. Once the first six grants are awarded, the council may award grants to other postsecondary institutions that meet the council's criteria.

(3) For the purposes of this section, "postsecondary institutions" means institutions of higher education as defined in RCW 28B.10.016, degree-granting institutions as defined in RCW 28B.85.010, private vocational schools as defined under RCW 28C.10.020, and school as defined in RCW 18.16.020.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.20 RCW to read as follows:

(1) Beginning June 1, 2019, and every June 1st thereafter until 2022, postsecondary institutions shall submit a report to the entity within the University of Washington school of social work specified under section 2 of this act for the purposes of establishing a baseline for behavioral health concerns and responses at the institutions of higher education.

(2) The annual report must include the following information as reported to the postsecondary institution, in compliance with the entity's established data

collection requirements, and if an institution does not collect or have access to the information it must indicate this in the report:

(a) The awareness of students, faculty, and staff regarding behavioral health and suicide prevention resources;

(b) The institution's counselor-to-student ratio;

(c) The number of students referred to off-campus behavioral health providers;

(d) The number of students identifying emotional distress as reasons for withdrawal;

(e) The number of student suicide deaths;

(f) The number of student suicide attempts that result in hospitalization;

(g) Information about dissemination of material to students about behavioral health resources that are available on and off campus;

(h) Confirmation of campus plans for suicide recognition and referral training that identifies groups receiving the required training and which groups are recommended to receive training in the future;

(i) The entity or entities on campus responsible for the development and maintenance of the campus crisis plan that integrate policies for suicide identification, intervention, reentry, and postvention;

(j) The campus point person or persons responsible for the crisis plan; and

(k) Information about behavioral health services and supports available to veterans on campus.

(3) For purposes of this section, "postsecondary institutions" has the same meaning as that term is defined in section 3 of this act.

(4) This section expires December 31, 2022.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.20 RCW to read as follows:

(1) By December 31, 2018, for the purposes of collecting data on suicide prevention and behavioral health in higher education, the entity within the University of Washington school of social work specified under section 2 of this act shall identify data, methods for data collection, and data definitions to be used by postsecondary institutions required to submit annual reports under section 4 of this act. The entity shall collaborate with the postsecondary institutions, as defined in section 3 of this act, in establishing data collection requirements and criteria.

(2) The entity shall aggregate the information it receives by sector and, by December 1st of each year, the entity must submit an aggregated summary report to the relevant committees of the legislature. The entity shall serve as the depository for annual reports submitted by institutions of higher education under section 4 of this act.

Passed by the Senate March 6, 2018.

Passed by the House February 28, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 294

[Substitute Senate Bill 6544]

FUTURE OF WORK TASK FORCE

AN ACT Relating to establishing the future of work task force; adding a new chapter to Title 28C RCW; creating new sections; and providing expiration dates.

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

NEW SECTION. Sec. 1. The legislature finds that automation, artificial intelligence, access to new forms of data, and the internet of things are driving mass transformation of all sectors and almost all occupations. Researchers predict anywhere from thirty to forty-seven percent of jobs will be replaced by robots by 2030.

The legislature further finds that the United States has already lost millions of jobs to automation. In manufacturing alone, since 2000, robots have taken over four million four hundred thousand jobs. By comparison, six hundred thousand manufacturing jobs were lost due to foreign competition.

Blue collar and technical workers have been hit hardest and are the least likely to find employment with similar or higher wage levels. On the employer side, small and midsized suppliers lose their competitive advantage when larger businesses bring automated processes in-house.

Finally, the legislature recognizes that in rural and suburban regions, small and midsized businesses are critical to the local economy. When these businesses close, they are unlikely to be replaced quickly by enterprises that can absorb dislocated workers and middle class wages.

NEW SECTION. Sec. 2. (1) The future of work task force is established to:

(a) Inventory and periodically assess trends and factors that are current or potential drivers of transformation of industries and work in Washington;

(b) Identify policies and practices that will help Washington's businesses, workers, and communities thrive economically, while responding to rapid changes in technology, workplace practices, environmental and security issues, and global interdependence;

(c) Recommend mechanisms and structures for sustainable industry sector partnerships through which employers and workers can collaborate to support their sector's growth in Washington; and

(d) Create a policy framework that supports a talent development pipeline and lifelong learning structure that:

(i) Prepares Washington's young people to navigate careers and workplaces of the future;

(ii) Helps workers keep their skills up-to-date or retrain for new careers when needed;

(iii) Enables attainment of credentials that are portable, transferable, and cost and time efficient;

(iv) Provides opportunities for instructional staff to keep pace with changes in their disciplines and related occupations; and

(v) Allows for collaborative applied research between businesses, instructional staff, and students to learn concurrently about new technology and assist companies with adoption.

(2) The task force must consist of:

(a) Two members from the house of representatives, with one member appointed from each of the two major caucuses of the house of representatives by the speaker of the house of representatives and the minority leader of the house of representatives;

(b) Two members from the senate, with one member appointed from each of the two major caucuses of the senate by the majority leader and minority leader of the senate; and

(c) Six business and six labor representatives appointed by the workforce training and education coordinating board.

(3) The workforce training and education coordinating board may contract with research advisors from various disciplines in order to carry out the duties of the task force.

(4) The task force may meet as appropriate, but not more than four times a year, either in person or by any means of communication by which all persons participating in the meeting can hear each other during the meeting.

(5) This section expires June 30, 2020.

NEW SECTION. Sec. 3. Subject to the availability of amounts appropriated for this specific purpose, the workforce training and education coordinating board must perform the following duties under the direction of the future of work task force:

(1) Develop and maintain an inventory of the current and future trends and factors that drive transformation of industries and work in Washington over the next twenty-five years;

(2) Research best and promising practices from state, national, and international sources, and develop case examples;

(3) Gather input from employers and workers from the major industrial sectors of Washington, via surveys and community forums, ensuring that every region of the state is consulted;

(4) Identify relevant metrics and recommend a possible dashboard for tracking the state's success, addressing future of work issues, including analysis of what data sets are readily available and what new data might need to be collected and by whom;

(5) Consult with public and not-for-profit organizations that support businesses or their workforce to identify policy or structural barriers that hinder the ability of not-for-profit organizations to effectively support business and workforce development in a transformational environment;

(6) Make an initial set of recommendations and a research design report describing the plan and methods to be used by the task force by December 31, 2018; and

(7) Make a report to the appropriate committees of the legislature and the governor on task force activities and recommendations by December 1, 2019. The report must include a recommendation of research and activities the future of work task force would complete if the task force were to continue.

(8) This section expires June 30, 2020.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act constitute a new chapter in Title 28C RCW.

Passed by the Senate February 9, 2018.

Passed by the House March 2, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 295

[Engrossed Substitute Senate Bill 6614]

PROPERTY TAX--STATE LEVY

AN ACT Relating to providing property tax relief by reducing calendar year 2019 state property taxes and redirecting revenue to the education legacy trust account for fiscal year 2019; and amending RCW 84.52.065.

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

Sec. 1. RCW 84.52.065 and 2017 3rd sp.s. c 13 s 301 are each amended to read as follows:

(1) Except as otherwise provided in this section, subject to the limitations in RCW 84.55.010, in each year the state (~~shall~~) must levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(2)(a) In addition to the tax authorized under subsection (1) of this section, the state must levy an additional property tax for the support of common schools of the state.

(i) For taxes levied for collection in calendar years 2018 through 2021, the rate of tax is the rate necessary to bring the aggregate rate for state property tax levies levied under this subsection and subsection (1) of this section to a combined rate of two dollars and forty cents per thousand dollars of assessed value in calendar year 2019 and two dollars and seventy cents per thousand dollars of assessed value in calendar years 2018, 2020, and 2021. The state property tax levy rates provided in this subsection (2)(a)(i) are based upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(ii) For taxes levied for collection in calendar year 2022 and thereafter, the tax authorized under this subsection (2) is subject to the limitations of chapter 84.55 RCW.

(b)(i) Except as otherwise provided in this subsection, all taxes collected under this subsection (2) must be deposited into the state general fund.

(ii) For fiscal year 2019, nine hundred thirty-five million dollars of taxes collected under this subsection (2) must be deposited into the education legacy trust account for the support of common schools.

(3) For taxes levied for collection in calendar years 2019 through 2021, the state property taxes levied under subsections (1) and (2) of this section are not subject to the limitations in chapter 84.55 RCW.

(4) For taxes levied for collection in calendar year 2022 and thereafter, the aggregate rate limit for state property taxes levied under subsections (1) and (2) of this section is three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(5) For property taxes levied for collection in calendar years 2019 through 2021, the rate of tax levied under subsection (1) of this section is the actual rate that was levied for collection in calendar year 2018 under subsection (1) of this section.

(6) As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

Passed by the Senate March 7, 2018.

Passed by the House March 8, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 296

[Engrossed Substitute Senate Bill 6137]

MOTOR VEHICLE MANUFACTURERS AND DEALERS--RELATIONSHIP

AN ACT Relating to clarifying the relationship between manufacturers and new motor vehicle dealers by providing tools to resolve disparities including expanding compensation for recalled vehicles; amending RCW 46.96.185 and 46.96.260; and adding a new section to chapter 46.96 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 46.96 RCW to read as follows:

(1) A manufacturer shall compensate its new motor vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs at rates no lower than those set in accordance with RCW 46.96.105. If parts or a remedy are not reasonably available to perform a recall service or repair on a used vehicle held for sale by a dealer authorized to sell new vehicles of the same line make within fifteen days of the manufacturer issuing the initial notice of recall, and the manufacturer has issued a stop-sale, do-not-drive order, or the manufacturer has not certified that the issue identified in the notice of recall does not affect the safe operation of the vehicle, commencing on the fifteenth day after the notice or order was issued and ending on the earlier of the date that the remedy or repair parts necessary to resolve the recall, stop-sale, or do-not-drive order are available to the dealer for vehicles in the dealer's inventory or the dealer sells, trades, or otherwise disposes of the vehicle, the manufacturer shall compensate the dealer at a prorated rate of at least 1.75 percent of the average trade-in value as indicated in an independent third-party guide for the year, make, model, and mileage of the recalled vehicle, per month, or portion of a month, while the recall or remedy parts are unavailable and the order remains in effect. A manufacturer is not required to compensate a motor vehicle dealer for more than the total trade-in value of the vehicle as established under this section. A manufacturer is not required to compensate a motor vehicle dealer for vehicles

purchased by the dealer at a wholesale auction after the date the order was issued. A stop-sale or do-not-drive order is defined as a notification issued by a vehicle manufacturer to its franchised dealers stating that certain used vehicles in inventory should not be sold or leased, at retail or wholesale, due to a federal safety recall for a defect or a noncompliance, or a federal or California emissions recall.

(2) This section applies only to used vehicles subject to safety or emissions recalls pursuant to and recalled in accordance with federal law and regulations adopted thereunder and where a stop-sale, do-not-drive order has been issued, or the manufacturer has not certified that the issue identified in the notice of recall does not affect the safe operation of the vehicle. This section further applies only to new motor vehicle dealers holding used vehicles for sale that are a line make that the dealer is franchised to sell or on which the dealer is authorized to perform recall repairs.

(3) All reimbursement claims made by new motor vehicle dealers pursuant to this section for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a stop-sale, do-not-drive, or the manufacturer has not certified that the issue identified in the notice of recall does not affect the safe operation of the vehicle, is subject to the same limitations and requirements as a warranty reimbursement claim made under RCW 46.96.105. Claims shall be either approved or disapproved within thirty days after they are submitted to the manufacturer in the manner and on the forms the manufacturer reasonably prescribes. A manufacturer shall pay a claim within thirty days following approval. Any claim not specifically disapproved in writing within thirty days following receipt is approved.

(4) A manufacturer may compensate its franchised dealers under a national recall compensation program provided the compensation under the program is equal to or greater than that provided in subsection (1) of this section.

(5) A manufacturer may not otherwise recover all or any portion of its costs for compensating its dealers licensed in this state for recalled vehicles, parts, and service either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition.

(6) Any remedy provided to a new motor vehicle dealer under this section is exclusive and may not be combined with any other state or federal recall compensation remedy.

Sec. 2. RCW 46.96.185 and 2014 c 214 s 7 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, shall not:

(a) Discriminate between new motor vehicle dealers by selling or offering to sell a like vehicle to one dealer at a lower actual price than the actual price offered to another dealer for the same model similarly equipped;

(b) Discriminate between new motor vehicle dealers by selling or offering to sell parts or accessories to one dealer at a lower actual price than the actual price offered to another dealer;

(c) Discriminate between new motor vehicle dealers by using a promotion plan, marketing plan, or other similar device that results in a lower actual price on vehicles, parts, or accessories being charged to one dealer over another dealer;

(d) Discriminate between new motor vehicle dealers by adopting a method, or changing an existing method, for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its dealers that is not fair, reasonable, and equitable. Upon the request of a dealer, a manufacturer, distributor, factory branch, or factory representative shall disclose in writing to the dealer the method by which new motor vehicles, parts, and accessories are allocated, scheduled, or delivered to its dealers handling the same line or make of vehicles;

(e) Discriminate against a new motor vehicle dealer by preventing, offsetting, or otherwise impairing the dealer's right to request a documentary service fee on affinity or similar program purchases. This prohibition applies to, but is not limited to, any promotion plan, marketing plan, manufacturer or dealer employee or employee friends or family purchase programs, or similar plans or programs;

(f) Give preferential treatment to some new motor vehicle dealers over others by refusing or failing to deliver, in reasonable quantities and within a reasonable time after receipt of an order, to a dealer holding a franchise for a line or make of motor vehicles sold or distributed by the manufacturer, distributor, factory branch, or factory representative, a new vehicle, parts, or accessories, if the vehicle, parts, or accessories are being delivered to other dealers, or require a dealer to purchase unreasonable advertising displays or other materials, or unreasonably require a dealer to remodel or renovate existing facilities as a prerequisite to receiving a model or series of vehicles;

(g) Compete with a new motor vehicle dealer of any make or line by acting in the capacity of a new motor vehicle dealer, or by owning, operating, or controlling, whether directly or indirectly, a motor vehicle dealership in this state. It is not, however, a violation of this subsection for:

(i) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership for a temporary period, not to exceed two years, during the transition from one owner of the dealership to another where the dealership was previously owned by a franchised dealer and is currently for sale to any qualified independent person at a fair and reasonable price. The temporary operation may be extended for one twelve-month period on petition of the temporary operator to the department. The matter will be handled as an adjudicative proceeding under chapter 34.05 RCW. A dealer who is a franchisee of the petitioning manufacturer or distributor may intervene and participate in a proceeding under this subsection (1)(g)(i). The temporary operator has the burden of proof to show justification for the extension and a good faith effort to sell the dealership to an independent person at a fair and reasonable price;

(ii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship for the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, and where the independent person: (A) Has made, or within a period of two years

from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. Nothing in this subsection (1)(g)(ii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. The number of dealerships operated under this subsection (1)(g)(iii) may not exceed four percent rounded up to the nearest whole number of a manufacturer's total of new motor vehicle dealer franchises in this state. Nothing in this subsection (1)(g)(iii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with (a) through (f) of this subsection;

(iv) A truck manufacturer to own, operate, or control a new motor vehicle dealership that sells only trucks of that manufacturer's line make with a gross vehicle weight rating of 12,500 pounds or more, and the truck manufacturer has been continuously engaged in the retail sale of the trucks at least since January 1, 1993;

(v) A manufacturer to own, operate, or control a new motor vehicle dealership trading exclusively in a single line make of the manufacturer if (A) the manufacturer does not own, directly or indirectly, in the aggregate, in excess of forty-five percent of the total ownership interest in the dealership, (B) at the time the manufacturer first acquires ownership or assumes operation or control of any such dealership, the distance between any dealership thus owned, operated, or controlled and the nearest new motor vehicle dealership trading in the same line make of vehicle and in which the manufacturer has no ownership or control is not less than fifteen miles and complies with the applicable provisions in the relevant market area sections of this chapter, (C) all of the manufacturer's franchise agreements confer rights on the dealer of that line make to develop and operate within a defined geographic territory or area, as many dealership facilities as the dealer and the manufacturer agree are appropriate, and (D) as of January 1, 2000, the manufacturer had no more than four new motor

vehicle dealers of that manufacturer's line make in this state, and at least half of those dealers owned and operated two or more dealership facilities in the geographic territory or area covered by their franchise agreements with the manufacturer;

(vi) A final-stage manufacturer to own, operate, or control a new motor vehicle dealership; or

(vii) A manufacturer that held a vehicle dealer license in this state on January 1, 2014, to own, operate, or control a new motor vehicle dealership that sells new vehicles that are only of that manufacturer's makes or lines and that are not sold new by a licensed independent franchise dealer, or to own, operate, or control or contract with companies that provide finance, leasing, or service for vehicles that are of that manufacturer's makes or lines;

(h) Compete with a new motor vehicle dealer by owning, operating, or controlling, whether directly or indirectly, a service facility in this state for the repair or maintenance of motor vehicles under the manufacturer's new car warranty and extended warranty. Nothing in this subsection (1)(h), however, prohibits a manufacturer, distributor, factory branch, or factory representative from owning or operating a service facility for the purpose of providing or performing maintenance, repair, or service work on motor vehicles that are owned by the manufacturer, distributor, factory branch, or factory representative;

(i) Use confidential or proprietary information obtained from a new motor vehicle dealer to unfairly compete with the dealer. For purposes of this subsection (1)(i), "confidential or proprietary information" means trade secrets as defined in RCW 19.108.010, business plans, marketing plans or strategies, customer lists, contracts, sales data, revenues, or other financial information;

(j)(i) Terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer based upon any of the following events, which do not constitute good cause for termination, cancellation, or nonrenewal under RCW 46.96.060: (A) The fact that the new motor vehicle dealer owns, has an investment in, participates in the management of, or holds a franchise agreement for the sale or service of another make or line of new motor vehicles; (B) the fact that the new motor vehicle dealer has established another make or line of new motor vehicles or service in the same dealership facilities as those of the manufacturer or distributor; (C) that the new motor vehicle dealer has or intends to relocate the manufacturer or distributor's make or line of new motor vehicles or service to an existing dealership facility that is within the relevant market area, as defined in RCW 46.96.140, of the make or line to be relocated, except that, in any nonemergency circumstance, the dealer must give the manufacturer or distributor at least sixty days' notice of his or her intent to relocate and the relocation must comply with RCW 46.96.140 and 46.96.150 for any same make or line facility; or (D) the failure of a franchisee to change the location of the dealership or to make substantial alterations to the use or number of franchises on the dealership premises or facilities.

(ii) Notwithstanding the limitations of this section, a manufacturer may, for separate consideration, enter into a written contract with a dealer to exclusively sell and service a single make or line of new motor vehicles at a specific facility for a defined period of time. The penalty for breach of the contract must not exceed the amount of consideration paid by the manufacturer plus a reasonable rate of interest;

(k) Coerce or attempt to coerce a motor vehicle dealer to refrain from, or prohibit or attempt to prohibit a new motor vehicle dealer from acquiring, owning, having an investment in, participating in the management of, or holding a franchise agreement for the sale or service of another make or line of new motor vehicles or related products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, if the prohibition against acquiring, owning, investing, managing, or holding a franchise for such additional make or line of vehicles or products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, is not supported by reasonable business considerations. The burden of proving that reasonable business considerations support or justify the prohibition against the additional make or line of new motor vehicles or products or nonexclusive facilities is on the manufacturer;

(l) Require, by contract or otherwise, a new motor vehicle dealer to make a material alteration, expansion, or addition to any dealership facility, unless the required alteration, expansion, or addition is uniformly required of other similarly situated new motor vehicle dealers of the same make or line of vehicles and is reasonable in light of all existing circumstances, including economic conditions. In any proceeding in which a required facility alteration, expansion, or addition is an issue, the manufacturer or distributor has the burden of proof. Except for a program or any renewal or modification of a program that is in effect with one or more new motor vehicle dealers in this state on June 12, 2014, a manufacturer shall not require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, standard, or otherwise to change the location of the dealership or construct, replace, renovate, or make any substantial changes, alterations, or remodeling to a new motor vehicle dealer's sales or service facilities, except as necessary to comply with health or safety laws or to comply with technology requirements without which a dealer would be unable to service a vehicle the dealer has elected to sell, before the tenth anniversary of the date of issuance of the certificate of occupancy or the manufacturer's approval, whichever is later, from:

(i) The date construction of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative; or

(ii) The date a prior change, alteration, or remodel of the dealership at that location was completed if the construction was in substantial compliance with standards or plans provided by a manufacturer, distributor, or representative or through a subsidiary or agent of the manufacturer, distributor, or representative;

(m) Prevent or attempt to prevent by contract or otherwise any new motor vehicle dealer from changing the executive management of a new motor vehicle dealer unless the manufacturer or distributor, having the burden of proof, can show that a proposed change of executive management will result in executive management by a person or persons who are not of good moral character or who do not meet reasonable, preexisting, and equitably applied standards of the manufacturer or distributor. If a manufacturer or distributor rejects a proposed change in the executive management, the manufacturer or distributor shall give written notice of its reasons to the dealer within sixty days after receiving written notice from the dealer of the proposed change and all related information

reasonably requested by the manufacturer or distributor, or the change in executive management must be considered approved;

(n) Condition the sale, transfer, relocation, or renewal of a franchise agreement or condition manufacturer, distributor, factory branch, or factory representative sales, services, or parts incentives upon the manufacturer obtaining site control, including rights to purchase or lease the dealer's facility, or an agreement to make improvements or substantial renovations to a facility. For purposes of this section, a substantial renovation has a gross cost to the dealer in excess of five thousand dollars;

(o) Fail to provide to a new motor vehicle dealer purchasing or leasing building materials or other facility improvements the right to purchase or lease franchisor image elements of like kind and quality from an alternative vendor selected by the dealer if the goods or services are to be supplied by a vendor selected, identified, or designated by the manufacturer or distributor. If the vendor selected by the manufacturer or distributor is the only available vendor of like kind and quality materials, the new motor vehicle dealer must be given the opportunity to purchase the franchisor image elements at a price substantially similar to the capitalized lease costs of the elements. This subsection (1)(o) must not be construed to allow a new motor vehicle dealer or vendor to gain additional intellectual property rights they are not otherwise entitled to or to impair or eliminate the intellectual property rights of the manufacturer or distributor or to permit a new motor vehicle dealer to erect or maintain signs that do not conform to the reasonable intellectual property usage guidelines of the manufacturer or distributor;

(p) Take any adverse action against a new motor vehicle dealer including, but not limited to, charge backs or reducing vehicle allocations, for sales and service performance within a designated area of primary responsibility unless that area is reasonable in light of proximity to relevant census tracts to the dealership and competing dealerships, highways and road networks, (~~state borders,~~) any natural or man-made barriers, demographics, including economic factors, (~~and~~) buyer behavior information, and contains only areas inside the state of Washington unless specifically approved by the new motor vehicle dealer; (~~or~~)

(q) Require, coerce, or attempt to coerce any new motor vehicle dealer by program, policy, facility guide, standard, or otherwise to order or accept delivery of any service or repair appliances, equipment, parts, or accessories, or any other commodity not required by law, which the dealer has not voluntarily ordered or which the dealer does not have the right to return unused for a full refund within ninety days or a longer period as mutually agreed upon by the dealer and manufacturer; or

(r) Modify the franchise agreement for any new motor vehicle dealer unless the manufacturer notifies the dealer in writing of its intention to modify the agreement at least ninety days before the effective date thereof, stating the specific grounds for the modification, and undertakes the modification in good faith, for good cause, and in a manner that would not adversely and substantially alter the rights, obligations, investment, or return on investment of the franchised new motor vehicle dealer under the existing agreement.

(2) Subsection (1)(a), (b), and (c) of this section do not apply to sales to a motor vehicle dealer: (a) For resale to a federal, state, or local government

agency; (b) where the vehicles will be sold or donated for use in a program of driver's education; (c) where the sale is made under a manufacturer's bona fide promotional program offering sales incentives or rebates; (d) where the sale of parts or accessories is under a manufacturer's bona fide quantity discount program; or (e) where the sale is made under a manufacturer's bona fide fleet vehicle discount program. For purposes of this subsection, "fleet" means a group of fifteen or more new motor vehicles purchased or leased by a dealer at one time under a single purchase or lease agreement for use as part of a fleet, and where the dealer has been assigned a fleet identifier code by the department of licensing.

(3) The following definitions apply to this section:

(a) "Actual price" means the price to be paid by the dealer less any incentive paid by the manufacturer, distributor, factory branch, or factory representative, whether paid to the dealer or the ultimate purchaser of the vehicle.

(b) "Control" or "controlling" means (i) the possession of, title to, or control of ten percent or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary, or (ii) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise, except as expressly provided under the franchise agreement.

(c) "Motor vehicles" does not include trucks that are 14,001 pounds gross vehicle weight and above or recreational vehicles as defined in RCW 43.22.335.

(d) "Operate" means to manage a dealership, whether directly or indirectly.

(e) "Own" or "ownership" means to hold the beneficial ownership of one percent or more of any class of equity interest in a dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(4) A violation of this section is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW. A person aggrieved by an alleged violation of this section may petition the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW.

Sec. 3. RCW 46.96.260 and 2010 c 178 s 11 are each amended to read as follows:

A new motor vehicle dealer who is injured in his or her business or property by a violation of this chapter, or any corporation or association that is primarily owned by or composed of new motor vehicle dealers and that primarily represents the interests of new motor vehicle dealers and is acting for itself or by, for, or on behalf of one or more new motor vehicle dealers, has standing to file a petition to the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW, or may bring a civil action in ((the superior)) a court of competent jurisdiction to recover the actual damages sustained by the dealer, to seek declaratory relief, or to enjoin further violations, together with the costs of the suit, including reasonable attorneys' fees if the new motor vehicle dealer, corporation, or association prevails. ((The new motor vehicle dealer may bring a civil action in district court to recover his or her

actual damages, except for damages that exceed the amount specified in RCW 3.66.020, and the costs of the suit, including reasonable attorneys' fees.)) In addition, the court may, in its discretion, increase the award of damages up to an amount not to exceed three times the actual damages sustained for a willful violation. If a petition is filed with the department, the petition must be accompanied with a filing fee in accordance with RCW 46.96.210.

Passed by the Senate February 13, 2018.

Passed by the House February 27, 2018.

Approved by the Governor March 27, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 297

[Engrossed Substitute Senate Bill 6106]

TRANSPORTATION BUDGET--SUPPLEMENTAL

AN ACT Relating to transportation funding and appropriations; amending RCW 88.16.061; amending 2017 c 313 ss 101, 103, 105, 106, 108, 102, 202-223, 301-312, 401, 402, 404, 406-408, 601, and 606 (uncodified); amending 2017 3rd sp.s. c 1 ss 995, 726-733, 735, and 736 (uncodified); adding new sections to 2017 c 313 (uncodified); repealing 2017 c 288 s 5 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

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

2017-2019 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 101. 2017 c 313 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation ~~(\$496,000))~~
\$512,000

Sec. 102. 2017 c 313 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation ~~(\$1,580,000))~~
\$3,890,000

Puget Sound Ferry Operations Account—State Appropriation \$116,000

TOTAL APPROPRIATION ~~(\$1,696,000))~~
\$4,006,000

The appropriations in this section are subject to the following conditions and limitations: ~~(\$300,000))~~ \$2,570,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management to work with the department of transportation on integrating the transportation reporting and accounting information system or its successor system with the One Washington project. The office of financial management and the department of transportation must provide a joint status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: The status of the department's ability to integrate the transportation reporting and accounting information system or its successor system with the One Washington project; the status of the One Washington project; and a description of significant changes to planned timelines or deliverables.

Sec. 103. 2017 c 313 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation ~~(\$1,254,000)~~
\$1,303,000

The appropriation in this section is subject to the following conditions and limitations: Within the amount provided in this section, the department shall conduct a pilot program to consist of the following activities:

(1) The department shall produce a fuel tax sticker for display on each motor fuel pump from which fuel is sold at retail that displays and provides notice of the federal and state fuel tax rates. The sticker must display the rate of each tax, in cents per gallon, for each type of fuel.

(2) The department shall provide notice of federal and state fuel tax rates, in the form of a fuel tax sticker, with any other notice displayed or required by department rule to be displayed on motor fuel pumps.

(3) The department shall distribute fuel tax stickers to all individuals who conduct fuel pump inspections, including department employees and local government employees. Government employees who conduct fuel pump inspections shall display a fuel tax sticker on each motor fuel pump or shall verify that such a sticker is being displayed at the time of inspection as required under this subsection. Fuel tax stickers must:

(a) Be displayed on each face of the motor fuel pump on which the price of the fuel sold from the pump is displayed; and

(b) Be displayed in a clear, conspicuous, and prominent manner.

(4) The department shall provide fuel tax stickers by mail to fuel pump owners who request them for the face of each motor fuel pump for which a sticker is requested.

(5) The department shall produce updated fuel tax stickers on an annual basis when one or more fuel tax rates have changed. Fuel tax stickers must be replaced at the time of motor fuel pump inspection if the sticker has been updated with any new fuel tax rates.

Sec. 104. 2017 c 313 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation ~~(\$597,000)~~
\$612,000

Sec. 105. 2017 c 313 s 108 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS

Multimodal Transportation Account—State Appropriation \$1,100,000

The appropriation in this section is subject to the following conditions and limitations: \$1,100,000 of the multimodal transportation account—state appropriation is provided solely for self-insurance liability premium expenditures; however, this appropriation is contingent upon the board:

(1) Annually depositing the first one hundred fifty thousand dollars collected through Puget Sound pilotage district pilotage tariffs into the pilotage account (~~solely for the expenditure of self-insurance premiums~~);

(2) Maintaining the Puget Sound pilotage district pilotage tariff at the rate in existence on January 1, 2017; and

(3) Assessing a self-insurance premium surcharge of sixteen dollars per pilotage assignment on vessels requiring pilotage in the Puget Sound pilotage district.

NEW SECTION. Sec. 106. A new section is added to 2017 c 313 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Motor Vehicle Account—State Appropriation \$30,000

The appropriation in this section is subject to the following conditions and limitations: \$30,000 of the motor vehicle account—state appropriation is provided solely for the department to convene a work group to establish principles, review options, and develop recommendations regarding the establishment of a statewide program with a purpose of reducing fluid leakage from motor vehicles.

(1) The work group must be comprised of public, private, and nonprofit stakeholders and must include at least the Washington stormwater center, stormwater outreach for regional municipalities, the association of Washington cities, and the Washington state association of counties.

(2) The work group shall use the statewide don't drip and drive program established by the department as a model for creating this new program. The work group shall establish principles, review options, and develop recommendations regarding the new program. Recommendations made by the work group shall include, but are not limited to:

- (a) Identifying an entity to manage the program;
- (b) Potential public, private, and nonprofit partners;
- (c) The potential scope of the program; and
- (d) Funding requirements and potential funding sources for the program.

(3) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by November 1, 2018.

Sec. 107. 2017 c 313 s 102 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account—State Appropriation \$1,604,000

Pilotage Account—State Appropriation \$50,000

TOTAL APPROPRIATION \$1,654,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the pilotage account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6519), Laws of 2018 (marine pilotage tariffs). If chapter . . . (Substitute Senate Bill No. 6519), Laws of 2018 is not enacted by June 30, 2018, the amount lapses.

NEW SECTION. Sec. 108. A new section is added to 2017 c 313 (uncodified) to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

Motor Vehicle Account—State Appropriation ~~(\$2,126,000)~~
\$2,120,000

NEW SECTION. Sec. 109. A new section is added to 2017 c 313 (uncodified) to read as follows:

FOR THE SENATE

Motor Vehicle Account—State Appropriation	.....((\$2,029,000))
	<u>\$2,027,000</u>

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2017 3rd sp.s. c 1 s 995 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation	.....((\$4,266,000))
	<u>\$4,329,000</u>

Highway Safety Account—Federal Appropriation	.....((\$22,048,000))
	<u>\$22,205,000</u>

Highway Safety Account—Private/Local Appropriation \$118,000
--	-----------------

School Zone Safety Account—State Appropriation \$850,000
--	-----------------

TOTAL APPROPRIATION	.....((\$27,282,000))
	<u>\$27,502,000</u>

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

(1) \$100,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 324, Laws of 2017 (~~Substitute Senate Bill No. 5402~~)) (bicyclist safety advisory council).

(2) \$1,000,000 of the highway safety account—state appropriation is provided solely for the implementation of section 13(4), chapter 336, Laws of 2017 (~~Engrossed Second Substitute House Bill No. 1614~~)) (impaired driving). The funding is provided for grants to organizations that seek to reduce driving under the influence of drugs and alcohol and for administering the program. \$108,806 of the amount provided in this subsection is for the commission to cover the costs associated with administering the grant program. The funding provided in this subsection is contingent on the availability of funds raised by the fee, described in section 13(4), chapter 336, Laws of 2017 (~~Engrossed Second Substitute House Bill No. 1614~~)) (impaired driving), sufficient to cover the costs of administering the program.

Sec. 202. 2017 c 313 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	.....((\$1,022,000))
	<u>\$1,056,000</u>

Motor Vehicle Account—State Appropriation	.....((\$2,504,000))
	<u>\$2,720,000</u>

County Arterial Preservation Account—State Appropriation	.....((\$1,541,000))
	<u>\$1,592,000</u>

TOTAL APPROPRIATION	.....((\$5,067,000))
	<u>\$5,368,000</u>

Sec. 203. 2017 c 313 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State Appropriation	.....((\$4,089,000))
	<u>\$4,317,000</u>

Sec. 204. 2017 c 313 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Highway Safety Account—State Appropriation	\$150,000
Motor Vehicle Account—State Appropriation	(((\$1,589,000))
	<u>\$2,030,000</u>
Multimodal Transportation Account—State Appropriation.	(\$700,000)
	<u>\$1,570,000</u>
TOTAL APPROPRIATION	(((\$2,289,000))
	<u>\$3,750,000</u>

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

(1)(a) \$200,000 of the multimodal transportation account—state appropriation is for a consultant study of marine pilotage in Washington state, with a goal of recommending best practices for: An analytically-driven pilotage tariff and fee setting process; determination of the total number of pilots and pilot workload; pilot recruitment, training, review, and selection, with a focus on increasing pilot diversity; and selection of governance structures for the oversight and management of pilotage activities. The study must include the following:

(i)(A) An examination of current practices of the board of pilotage related to: Pilotage tariff and fee setting, including a review of the development and composition of fees, their relationship to tariffs and pilotage district expenditures, and an analysis of pilot benefits; the setting of the total number of pilots and pilot workload distribution; pilot candidate recruitment and training; pilot review and selection processes; and reporting to comply with statutory requirements;

(B) An examination of the current oversight, administrative practices, and governance of the board of pilotage commissioners and the two pilotage districts, including board composition analysis, the possible role of the legislative appropriations process, and options for insurance liability coverage for the board of pilotage commissioners;

(ii) A comparison of current practices identified under this subsection (1)(a) to best practices in marine pilotage elsewhere in the United States, including both state licensed pilotage and federal pilotage systems with independent contractor, public employee, or private employee pilots; and a comparison to marine pilotage activities outside of the United States, to the extent these marine pilotage activities can inform the evaluation process and identify additional best practices that could be implemented in Washington state;

(iii) A comparison of the results of the examination of current practices to best practices in the United States in areas other than marine pilotage for which similar activities are conducted;

(iv) An evaluation of the extent to which the best practices examined can be implemented and would be effective in Washington state; and

(v) A recommendation for the best practices that should be adopted by Washington state for each of the areas examined.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by January 8, 2018.

(2) \$160,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract with the University of Minnesota to independently analyze and assess traffic data for the express toll lanes and general purpose lanes of the Interstate 405 tolled corridor, including in terms of the performance measures described in RCW 47.56.880, and to develop and recommend near-term and longer-term strategies for the improvement of traffic performance in this corridor. A report summarizing the results of the traffic data assessment and providing recommended strategies is due to the transportation committees of the legislature by January 8, 2018.

(3)(a) \$500,000 of the multimodal transportation account—state appropriation is for a consultant study of air cargo movement at Washington airports. The study must:

(i) Describe the state's air cargo system, and identify the facilities that comprise the system;

(ii) Evaluate the current and projected future capacity of the air cargo system;

(iii) Identify underutilized capacity;

(iv) Identify and describe what market forces may determine demand for cargo service at different facilities and what role the shippers and cargo service providers play in determining how cargo is moved in the state;

(v) Develop a definition of congestion in the state's air cargo system, including metrics by which to measure congestion and the cost of congestion to shippers; and

(vi) Evaluate what would be needed to more effectively use existing capacity at airports across the state. As part of this evaluation, the study must:

(A) Evaluate air, land, and surface transportation constraints, including intermodal constraints, to accommodate current demand and future growth;

(B) Evaluate impediments to addressing those constraints;

(C) Evaluate options to address those constraints; and

(D) Evaluate the impacts to air cargo-related industries that would result from shifting cargo service to Washington airports that currently have available capacity.

(b) The study must also identify the state's interest in reducing air cargo congestion and evaluate ways to address this interest on a statewide basis.

(c) The study must provide recommendations regarding:

(i) Options to reduce air cargo congestion and more efficiently use available capacity at Washington airports;

(ii) Options to address the state's interest in reducing air cargo congestion on a statewide basis;

(iii) Strategies to accomplish the recommendations under this subsection (3)(c); and

(iv) Statutory changes needed to implement the recommendations under this subsection (3)(c).

(d) The department of transportation shall provide technical support for the study, including providing guidance regarding information that may already be available due to the department's ongoing work on the Washington aviation system plan.

(e) The joint transportation committee shall issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2018.

(4) \$100,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct an assessment of the current roles and responsibilities of the transportation commission. The purpose of the assessment is to review the current membership, functions, powers, and duties of the transportation commission beyond those granted to the transportation commission as the tolling authority under RCW 47.56.850, for the adoption of ferry fares and pricing policies under RCW 47.60.315, or for work related to the road usage charge pilot project as directed by the legislature. When conducting the assessment, the joint transportation committee must consult with the transportation commission and the office of financial management.

(a) The assessment must consist of a review of the following:

(i) The primary enabling statutes of the transportation commission contained in RCW 47.01.051 through 47.01.075;

(ii) The transportation commission's functions relating to ferries under chapters 47.60 and 47.64 RCW beyond those granted by the legislature for adoption of fares and pricing policies;

(iii) The existing budget of the transportation commission to ensure it is appropriate for the roles and responsibilities it is directed to do by the governor and the legislature;

(iv) The transportation commission's current roles and responsibilities relating to transportation planning, transportation policy development, and other functions; and

(v) Other issues related to the transportation commission as determined by the joint transportation committee.

(b) A report of the assessment findings and recommendations is due to the transportation committees of the legislature by December 31, 2017.

(5)(a) \$360,000 of the motor vehicle account—state appropriation, from the cities' statewide fuel tax distributions under RCW 46.68.110(2), is for the joint transportation committee to conduct a study to assess the current state of city transportation funding, identify emerging issues, and recommend funding sources to meet current and future needs. As part of the study, the joint transportation committee shall:

(i) Identify current city transportation funding responsibilities, sources, and gaps;

(ii) Identify emerging issues that may add additional strain on city costs and funding capacity;

(iii) Identify future city funding needs;

(iv) Evaluate alternative sources of funding; and

(v) Recommend sources of funding to address those needs and gaps.

(b) In considering alternative sources of funding, the study shall evaluate sources available outside of the state of Washington that currently are not available in Washington.

(c) In conducting the study, the joint transportation committee must consult with:

(i) City representatives;

(ii) A representative from the department of transportation local programs division;

(iii) A representative from the transportation improvement board;

(iv) A representative from the department of transportation/metropolitan planning organization/regional transportation planning organization coordinating committee; and

(v) Others as appropriate.

(d) The association of Washington cities and the department of transportation shall provide technical support to the study.

(e) The joint transportation committee must issue a report of its findings and recommendations to the transportation committees of the legislature by June 30, 2019.

(6)(a) \$315,000 of the multimodal transportation account—state appropriation is for a consultant study of the capital needs of public transportation systems operated by public transportation benefit areas, metropolitan municipal corporations, cities, counties, and county transportation authorities. The study must include:

(i) An inventory of each agency's vehicle fleet;

(ii) An inventory of each agency's facilities, including the state of repair;

(iii) The replacement and expansion needs of each agency's vehicle fleet, as well as the associated costs, over the next ten years;

(iv) The replacement and expansion needs for each agency's facilities including, but not limited to, such facilities as park and rides, transit centers, and maintenance buildings;

(v) The source of funding, if known, planned to cover the cost of the bus and facilities replacement and expansion needs including, but not limited to, local revenue, state grants, and federal grants;

(vi) The amount of service that could be provided with the local funds that are currently required for each agency's total capital needs; and

(vii) A list of potential state, federal, or local revenue sources that public transportation agencies could access or implement in order to meet agencies' capital needs. These revenue sources may be either currently available sources or sources that would need legislative authorization.

(b) The Washington state transit association and the Washington state department of transportation shall provide technical support to the study.

(c) The joint transportation committee shall issue a report of its findings and recommendations to the transportation committees of the legislature by March 1, 2019.

(7) \$255,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study regarding the regulation of transportation network companies within the state of Washington. In conducting the study, the joint transportation committee must consult with relevant representatives of the department of licensing, the utilities and transportation commission, the Washington state patrol, local governments involved in the regulation of transportation network companies, entities providing transportation network services, and other relevant stakeholders. The study must include a review of the regulatory framework used by local jurisdictions within Washington state and in other states, an evaluation of the most effective public safety aspects of a regulatory framework, including among

other aspects, the type of required background checks, and an assessment of the most effective and efficient state and local regulatory structure for regulation of transportation network companies. The joint transportation committee must issue a report of its findings and recommendations to the house and senate transportation committees by January 14, 2019.

(8) \$300,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to conduct a study regarding the regulation of taxi and for hire services regulated by state, local governments, and port districts. The study must compare state and local regulations in the state of Washington that govern these private passenger transportation services and may include recommendations for improving the consistency or overall effectiveness and competitive fairness of the current regulatory frameworks. In conducting the study, the joint transportation committee shall consult with the department of licensing, the utilities and transportation commission, the Washington state patrol, appropriate local entities engaged in the regulation of commercial passenger transportation services, and other relevant stakeholders. The joint transportation committee must issue a report of its findings and recommendations to the house and senate transportation committees by January 14, 2019.

(9)(a) \$150,000 of the highway safety account—state appropriation is for the joint transportation committee to assess and recommend methods for setting state medical standards in the areas listed in (b) of this subsection for commercial driver's license holders and applicants, when these standards are not governed by specific criteria under federal law, to help reduce the current shortage of licensed commercial motor vehicle drivers in the state.

(b) This review must consist of an assessment of possible approaches for developing a method by which to set state standards for:

(i) Medical certification requirements for excepted interstate commercial driver's license holders and applicants, as this class is defined under 49 C.F.R. 383.71, who are not required to obtain medical certification under federal law; and

(ii) Medical waiver requirements for intrastate nonexcepted commercial driver's license holders and applicants, which must be set in a manner consistent with the requirements of 49 C.F.R. Sec. 350.341(h)(2).

(c) The review must include consideration and evaluation of the relevant practices, laws, and regulations of other states. The review must also ensure that recommendations made are consistent with federal law and do not jeopardize federal funding, and that they incorporate relevant safety considerations.

(d) The joint transportation committee must consult with the department of licensing, the Washington state patrol, the traffic safety commission, the state department of health, and stakeholders who rely on the state's commercial driver's license medical certification process.

(e) The joint transportation committee must issue a report of its findings and recommendations, including an indication of statutory changes needed to implement the recommendations, to the transportation committees of the legislature and the governor by January 14, 2019.

Sec. 205. 2017 c 313 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation((\$2,074,000))

	<u>\$2,291,000</u>
Multimodal Transportation Account—State Appropriation	\$462,000
TOTAL APPROPRIATION	<u>(\$2,536,000)</u>
	<u>\$2,753,000</u>

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

(1)(a) The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

(b) The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the addition of a representative from the Puget Sound regional council, and, upon finalization of the federal grant award for stage 1 of the road usage charge pilot project, shall report at least once every three months to the steering committee with updates on project progress, key project milestones, and developments related to securing additional federal funding for future road usage charge pilot work until stage 2 of the road usage charge pilot project begins. Each report must include a phone or in-person meeting with the steering committee, with a maximum of two in-person meetings to be held in 2017. A year-end report on the status of the project must be provided to the governor's office and the transportation committees of the house of representatives and the senate by December 1, 2017. If the year-end report is not the final report for stage 1 of the pilot project, a final report that includes an evaluation of stage 1 of the pilot project must be provided to the governor's office and the transportation committees of the house of representatives and the senate following completion of stage 1 of the pilot project. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the ~~((majority leader and minority leader))~~ president of the senate for a senate member vacancy.

(c) Once stage 2 of the road usage charge pilot project begins, the commission shall periodically report to the steering committee with updates on the progress of the Washington state road usage charge pilot project, which is scheduled to be completed in February of 2019.

(2) The legislature finds that there is a need for long-term toll payer relief from increasing toll rates on the Tacoma Narrows bridge. Therefore, the commission must convene a work group to review, update, add to as necessary, and comment on various scenarios for toll payer relief outlined in the 2014 joint transportation committee report on internal refinance opportunities for the Tacoma Narrows bridge. The work group must include participation from the Tacoma Narrows bridge citizen's advisory group, at least one member from each of the legislative delegations from the districts immediately abutting the Tacoma

Narrows bridge, the local chambers of commerce, and affected local communities. Legislative members of the work group must be reimbursed for travel expenses by the commission. The work group must submit a report with its preferred and prioritized policy solutions to the transportation committees of the legislature by December 1, 2017.

(3) \$150,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2970), Laws of 2018 (autonomous vehicle work group) for the commission to fund the facilitation and coordination of work group activities. The funding provided is for the purpose of a facilitator for the work group and not for consultants. If chapter . . . (Substitute House Bill No. 2970), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(4) The commission shall not consider the facility renewal and replacement costs in determining toll rates as part of the initial toll rate setting process on the deep bore tunnel portion of state route number 99.

Sec. 206. 2017 c 313 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD
Motor Vehicle Account—State Appropriation ~~(\$818,000)~~
\$835,000

The appropriation in this section is subject to the following conditions and limitations: \$60,000 of the motor vehicle account—state appropriation is provided solely for the board, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to manage and update the road-rail conflicts database produced as a result of the joint transportation committee's "Study of Road-rail Conflicts in Cities (2016)." The board shall update the database using data from the most recent versions of the Washington state freight and goods transportation system update, marine cargo forecast, and other relevant sources. The database must continue to identify prominent road-rail conflicts that will help to inform strategic state investment for freight mobility statewide. The board shall form a committee including, but not limited to, representatives from local governments, the department of transportation, the utilities and transportation commission, and relevant stakeholders to identify and recommend a statewide list of projects using a corridor-based approach. The board shall provide the list to the transportation committees of the legislature and the office of financial management by September 1, 2018.

*Sec. 207. 2017 c 313 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL
State Patrol Highway Account—State Appropriation ~~(\$480,926,000)~~
\$490,359,000
State Patrol Highway Account—Federal Appropriation ~~(\$14,025,000)~~
\$14,571,000
State Patrol Highway Account—Private/Local
Appropriation ~~(\$3,863,000)~~
\$4,011,000
Highway Safety Account—State Appropriation ~~(\$1,067,000)~~
\$1,074,000
Ignition Interlock Device Revolving Account—State
Appropriation \$510,000

Multimodal Transportation Account—State Appropriation	\$276,000
TOTAL APPROPRIATION	(\$500,667,000)
	<u>\$510,801,000</u>

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

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$1,000,000 of the state patrol highway account—state appropriation is provided solely for ongoing support, system updates, maintenance, and an independent assessment of the P25 digital land mobile radio system. Of the amount provided in this subsection, \$400,000 must be used for the independent assessment of the P25 digital land mobile radio system. The independent assessment must identify implementation issues and coverage gaps and recommend strategies to address these issues and gaps. The assessment must be submitted to the governor and the transportation committees of the legislature by September 1, 2018. To the extent practicable, the Washington state patrol shall begin implementing recommendations before the completion of the independent assessment.

(4) The Washington state patrol and the department of transportation shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

(5) The Washington state patrol and the office of financial management must be consulted by the department of transportation during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department of transportation must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

(6) ~~(\$510,000)~~ \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of sales and use taxes remitted to the state pursuant to activity conducted by the license investigation unit. At the end of the calendar quarter in which it is estimated that more than

\$625,000 in taxes have been remitted to the state since the effective date of this section, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 408(25) ~~((of this act))~~, chapter 313, Laws of 2017.

(7) \$600,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter ~~((... (Senate Bill No. 5274)))~~ 181, Laws of 2017 (WSPRS salary definition). ~~((If chapter ... (Senate Bill No. 5274), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses.))~~

(8) \$100,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter ... (Substitute House Bill No. 2278), Laws of 2018 (privacy protections in government). If chapter ... (Substitute House Bill No. 2278), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(9) \$4,354,000 of the state patrol highway account—state appropriation is provided solely for an additional cadet class, consisting of the 35th arming class and 111th trooper basic training class, in the 2017-2019 fiscal biennium.

**Sec. 207 was partially vetoed. See message at end of chapter.*

*Sec. 208. 2017 c 313 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account—State Appropriation	.....	\$34,000
Motorcycle Safety Education Account—State Appropriation	.....	(\$4,523,000) \$4,607,000
State Wildlife Account—State Appropriation	.....	(\$1,030,000) \$888,000
Highway Safety Account—State Appropriation	.....	(\$202,973,000) \$254,301,000
Highway Safety Account—Federal Appropriation	.....	\$3,215,000
Motor Vehicle Account—State Appropriation	.....	(\$90,659,000) \$83,871,000
Motor Vehicle Account—Federal Appropriation	.....	\$329,000
Motor Vehicle Account—Private/Local Appropriation	.....	(\$2,048,000) \$5,224,000
Ignition Interlock Device Revolving Account—State Appropriation	.....	(\$5,250,000) \$5,261,000
Department of Licensing Services Account—State Appropriation	.....	(\$6,611,000) \$6,903,000
License Plate Technology Account—State Appropriation	.....	\$3,000,000
Abandoned Recreational Vehicle Account—State Appropriation	.....	\$172,000
Driver Licensing Technology Support Account—State Appropriation	.....	\$150,000
TOTAL APPROPRIATION	.....	(\$319,672,000) \$367,955,000

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

(1) (~~\$205,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2201), Laws of 2017 (MVET collection). If chapter . . . (Engrossed House Bill No. 2201), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.~~) \$315,000 of the motor vehicle account—private/local appropriation is provided solely for the implementation of chapter . . . (Engrossed House Bill No. 2201), Laws of 2018 (MVET collection) or chapter . . . (Engrossed Substitute Senate Bill No. 5955), Laws of 2018 (MVET collection). If neither chapter . . . (Engrossed House Bill No. 2201), Laws of 2018 or chapter . . . (Engrossed Substitute Senate Bill No. 5955), Laws of 2018 are enacted by June 30, 2018, the amount provided in this subsection lapses.

(2) \$20,810,000 of the highway safety account—state appropriation and \$3,000,000 of the license plate technology account—state appropriation are provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(3) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. Pursuant to the restrictions in federal and state law, a person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(4) \$4,471,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December 2016. The department and the office of financial management shall evaluate the use of these funds on a monthly basis and periodically report to the transportation committees of the legislature on average wait times and volume data for enhanced drivers' licenses and enhanced identicards.

(5) The department shall continue to encourage the use of online vehicle registration renewal reminders and minimize the number of letters mailed by the department. To further this goal, the department shall develop a pilot program to

replace first-class mail, letter-form renewal reminders with postcard renewal reminders. The goal of the pilot program is to realize substantial savings on printing and postage costs. The pilot program must include customers who performed their last renewal online and still receive a paper renewal notice. The appropriations in this section reflect savings in postage and printing costs of at least \$250,000 in the 2017-2019 fiscal biennium.

(6) (~~(\$350,000)~~) \$550,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall develop and implement an outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. At least thirty-five percent of this appropriation must be used by the department for outreach efforts to communities that would not otherwise be served by traditional media outlets.

(7) \$19,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~(... (Substitute Senate Bill No. 5289))~~) 334, Laws of 2017 (distracted driving). (~~(If chapter ... (Substitute Senate Bill No. 5289), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(8) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter (~~(... (House Bill No. 1400))~~) 11, Laws of 2017 (aviation license plate). (~~(If chapter ... (House Bill No. 1400), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(9) \$572,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~(... (Engrossed Substitute House Bill No. 1481))~~) 197, Laws of 2017 (driver education uniformity). (~~(If chapter ... (Engrossed Substitute House Bill No. 1481), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(10) \$39,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter (~~(... (Substitute House Bill No. 1568))~~) 25, Laws of 2017 (Fred Hutch license plate). (~~(If chapter ... (Substitute House Bill No. 1568), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(11) \$104,000 of the ignition interlock device revolving account—state appropriation is provided solely for the implementation of chapter (~~(... (Engrossed Second Substitute House Bill No. 1614))~~) 336, Laws of 2017 (impaired driving). (~~(If chapter ... (Engrossed Second Substitute House Bill No. 1614), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(12) \$500,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~(... (Engrossed Substitute House Bill No. 1808))~~) 206, Laws of 2017 (foster youth/driving). (~~(If chapter ... (Engrossed Substitute House Bill No. 1808), Laws of 2017 is not enacted by June 30, 2017, the amount provided in this subsection lapses.)~~)

(13) \$61,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (~~(... (Engrossed Senate Bill No. 5008))~~) 310, Laws of 2017 (REAL ID compliance). (~~(If chapter ... (Engrossed~~

~~Senate Bill No. 5008), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses:))~~

(14)(a) Within existing funds, the department, in consultation with the department of ecology, shall convene a work group comprised of registered tow truck operators, hulk haulers, representatives from county solid waste facilities, and the recycling community to develop a sustainable plan for the collection and disposal of abandoned recreational vehicles.

(b) The work group shall report on the current problems relating to abandoned recreational vehicles and develop policy options for procedures relating to the transportation, recycling, and disposal of abandoned recreational vehicles, as well as other potentially related issues. As a result of its discussions, the work group shall also produce draft legislation. The final report and draft legislation are due to the standing transportation committees of the legislature on December 1, 2017.

(15) \$30,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter ~~((... (Senate Bill No. 5382)))~~ 122, Laws of 2017 (reduced-cost identicards). ~~((If chapter ... (Senate Bill No. 5382), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses:))~~

(16) \$112,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter ~~((... (Engrossed Substitute Senate Bill No. 5338)))~~ 218, Laws of 2017 (registration enforcement). ~~((If chapter ... (Engrossed Substitute Senate Bill No. 5338), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses:))~~

(17) \$30,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter ~~((... (Substitute Senate Bill No. 5343)))~~ 43, Laws of 2017 (tow truck notices). ~~((If chapter ... (Substitute Senate Bill No. 5343), Laws of 2017 is not enacted by June 30, 2017, the amount in this subsection lapses:))~~

(18) \$230,000 of the highway safety account—state appropriation is provided solely for developing an application program interface service. This work must result in a mobile browser based application for use on tablet devices at licensing services offices.

(a) The application must be able to be used by licensing services offices staff for:

(i) Prescreening customers and directing them to the most efficient service line;

(ii) Performing any transaction within the department's online services;

(iii) Answering customer questions regarding license status and reinstatement; and

(iv) Providing a queue ticket to customers waiting for service inside and outside the office.

(b) Additionally, the application must be:

(i) Able to add a feature allowing customers to get in line via an online application and receive a mobile text message when their turn is approaching; and

(ii) Scalable to add other features to mobile devices to expedite customer service.

(19) Within amounts provided in this section, the department, in consultation with the county auditors, shall convene a work group to assess the current licensing services system and the establishment of a new licensing services partnership committee. The purpose of the licensing services partnership committee will be to provide a forum for communication between licensing partners regarding Washington's licensing services system.

(a) The work group must consist of, but is not limited to, a representative from the department, a county auditor, a county licensing manager, a subagent representative who is a small office manager, a subagent representative from eastern Washington, and a subagent representative from western Washington.

(b) The work group must consider, at a minimum, and make recommendations on expanding services offered by subagents, establishing voluntary payment plans and automatic renewal options, enhancing electronic title and renewal options, the current financial environment for subagents and county auditors, and the establishment of the licensing service partnership committee.

(c) The work group shall submit a report with its findings and recommendations to the transportation committees of the legislature by December 1, 2018. Recommendations must be made on the policy options listed in (b) of this subsection. Recommendations regarding the licensing services partnership committee must also include whether or not to implement a pilot project for the committee, and if the pilot project is implemented, whether or not the pilot project should have a fixed term.

(20) \$27,796,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report will include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall implement efficiency measures to reduce the time for licensing transactions and wait times, including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the keep your customer initiative.

(21) \$45,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Second Substitute House Bill No. 1513), Laws of 2018 (enhancing youth voter registration). If chapter . . . (Second Substitute House Bill No. 1513), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(22) \$43,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2278), Laws of 2018 (privacy protections). If chapter . . . (Substitute House Bill No. 2278), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(23) \$70,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Second Substitute

House Bill No. 2595), Laws of 2018 (procedures in order to automatically register citizens to vote). If chapter . . . (Engrossed Second Substitute House Bill No. 2595), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(24) \$26,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2612), Laws of 2018 (tow truck operators). If chapter . . . (Substitute House Bill No. 2612), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(25) \$17,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (House Bill No. 2653), Laws of 2018 (alternative fuel vehicle exemption) or chapter . . . (Senate Bill No. 6080), Laws of 2018 (electrification of transportation). If neither chapter . . . (House Bill No. 2653), Laws of 2018 or chapter . . . (Senate Bill No. 6080), Laws of 2018 are enacted by June 30, 2018, the amount provided in this subsection lapses.

(26) \$20,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2975), Laws of 2018 (snow bikes). If chapter . . . (Substitute House Bill No. 2975), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(27) \$34,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5746), Laws of 2018 (concerning the association of Washington generals). If chapter . . . (Substitute Senate Bill No. 5746), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(28) \$27,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6009), Laws of 2018 (issuance of personalized collector vehicle license plates). If chapter . . . (Substitute Senate Bill No. 6009), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(29) \$25,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6107), Laws of 2018 (electric motorcycle registration renewal fees). If chapter . . . (Substitute Senate Bill No. 6107), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(30) \$150,000 of the driver licensing technology support account—state appropriation is provided solely for the implementation of chapter . . . (Second Substitute Senate Bill No. 6189), Laws of 2018 (suspended or revoked driver's license provisions). If chapter . . . (Second Substitute Senate Bill No. 6189), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(31) \$17,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6155), Laws of 2018 (bone marrow donation information). If chapter . . . (Substitute Senate Bill No. 6155), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(32) \$172,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for the implementation of chapter . . .

(Substitute Senate Bill No. 6437), Laws of 2018 (disposal of recreational vehicles abandoned on public property). If chapter . . . (Substitute Senate Bill No. 6437), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(33) \$13,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6438), Laws of 2018 (clarifying the collection process for existing vehicle service transactions). If chapter . . . (Substitute Senate Bill No. 6438), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(34) The department shall within the department's appropriations, conduct a study to evaluate options and potential methods for allowing digital license plates. The report must include information on the durability and legibility of digital license plates in different weather conditions, costs, data security, tolling and vehicle fees, protection of personal and vehicle information, and other implementation issues. This will include an evaluation of how the digital license plates can contain tamper-resistant and antitheft features, but can continue to display the unique license plate number assigned to the vehicle at all times. The department of licensing must consult with the Washington state patrol, the department of transportation, and other appropriate entities in conducting the study. The department of licensing must present a report to the standing transportation committees of the legislature by January 1, 2019.

(35) \$200,000 of the highway safety account—state appropriation is provided solely for the department to implement employee training and other activities related to improving the protection of private information and increasing racial and cultural awareness by employees in administering licensing responsibilities.

**Sec. 208 was partially vetoed. See message at end of chapter.*

Sec. 209. 2017 c 313 s 209 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B

High Occupancy Toll Lanes Operations Account—State	
Appropriation	<u>(((\$4,033,000))</u> <u>\$4,462,000</u>
Motor Vehicle Account—State Appropriation	\$513,000
State Route Number 520 Corridor Account—State	
Appropriation	<u>(((\$52,671,000))</u> <u>\$57,123,000</u>
State Route Number 520 Civil Penalties Account—State	
Appropriation	<u>(((\$4,328,000))</u> <u>\$4,129,000</u>
Tacoma Narrows Toll Bridge Account—State	
Appropriation	<u>(((\$32,134,000))</u> <u>\$33,618,000</u>
Interstate 405 Express Toll Lanes Operations	
Account—State Appropriation	<u>(((\$22,194,000))</u> <u>\$21,757,000</u>
Alaskan Way Viaduct Replacement Project Account—State	
Appropriation.	<u>(((\$6,506,000))</u> <u>\$13,938,000</u>

TOTAL APPROPRIATION .....	..((\$122,379,000))
	<u>\$135,540,000</u>

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

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$9,048,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) \$3,100,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$1,498,000 of the state route number 520 corridor account—state appropriation, and \$1,802,000 of the high occupancy toll lanes operations account—state appropriation are provided solely for the operation and maintenance of roadside toll collection systems.

(3) (~~(\$4,328,000)~~) \$4,131,000 of the state route number 520 civil penalties account—state appropriation, \$2,192,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$1,191,000 of the Interstate 405 express toll lanes operations account—state appropriation are provided solely for expenditures related to the toll adjudication process.

(4) The department shall make detailed quarterly expenditure reports available to the Washington state transportation commission and to the public on the department's web site using current resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(5) As long as the facility is tolled, the department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(6) \$666,000 of the high occupancy toll lanes operations account—state appropriation, \$11,527,000 of the state route number 520 corridor account—state appropriation, \$4,955,000 of the Tacoma Narrows toll bridge account—state appropriation, \$4,286,000 of the Interstate 405 express toll lanes operations account—state appropriation, and \$6,506,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to implement a new tolling customer service toll collection system, and are subject to the conditions, limitations, and review provided in section 701 ((of this act)), chapter 313, Laws of 2017.

(a) The office of financial management shall place \$2,000,000 of the amounts provided in this subsection in unallotted status, to be distributed between the facilities using the account proportions in this subsection. If the vendors selected as the successful bidders for the new tolling customer service toll collection system or the operator of the new system are different than the vendor as of January 1, 2017, the office of financial management may release portions of this amount as transition costs.

(b) The funds provided in this subsection from the Alaskan Way viaduct replacement project account—state appropriation are provided through a transfer from the motor vehicle account—state in section 408(26) ((of this act)), chapter 313, Laws of 2017. These funds are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when the portion of state route number 99 that is the deep bore tunnel is operational.

(c) The department must provide a project status report to the office of financial management and the transportation committees of the legislature on at least a calendar quarterly basis. The report must include, but is not limited to:

(i) Detailed information about the planned and actual scope, schedule, and budget;

(ii) Status of key vendor and other project deliverables; and

(iii) A description of significant changes to planned deliverables or system functions over the life of the project.

(d) The department shall continue to work with the office of financial management, office of the chief information officer, and the transportation committees of the legislature on the project management plan that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation.

(7) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings;

(v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty.

(8) (~~(\$13,617,000)~~) \$13,179,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for operational costs related to the express toll lane facility. The office of financial management shall place \$6,808,000 of the amount provided in this subsection in unallotted status. The office of financial management may only release the funds to the department upon the passage of a 2018 supplemental transportation budget.

(9) In 2021, toll equipment on the Tacoma Narrows Bridge will have reached the end of its operational life. During the 2017-2019 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(10) \$5,583,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected proportional share of collecting toll revenues, operating customer services, and maintaining toll collection systems for the last seven months of the biennium. Due to the uncertainty of the new state route number 99 tunnel toll facility timeline, the legislature is holding the other tolled facilities' administrative cost shares constant for this biennium. The legislature expects to

see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility commences and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(11) \$1,849,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the costs associated with the sale of transponders for the opening of the new state route number 99 tunnel toll facility in Seattle. The office of financial management shall place \$510,000 of the amount provided in this subsection in unallotted status. The office of financial management may only release the funds to the department if it determines the transponder inventory will otherwise not be sufficient for facility ramp up.

Sec. 210. 2017 c 313 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State Appropriation	\$1,460,000
Motor Vehicle Account—State Appropriation	(\$83,572,000)
	<u>\$87,865,000</u>
Puget Sound Ferry Operations Account—State	
Appropriation	\$263,000
Multimodal Transportation Account—State	
Appropriation	(\$2,876,000)
	<u>\$2,878,000</u>
Transportation 2003 Account (Nickel Account)—State	
Appropriation	\$1,460,000
TOTAL APPROPRIATION	(\$89,631,000)
	<u>\$93,926,000</u>

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

(1) \$9,588,000 of the motor vehicle account—state appropriation is provided solely for the development of the labor system replacement project and is subject to the conditions, limitations, and review provided in section 701 (~~of this act~~), chapter 313, Laws of 2017. It is the intent of the legislature that if any portion of the labor system replacement project is leveraged in the future for the time, leave, and labor distribution of any other agencies, the motor vehicle account will be reimbursed proportionally for the development of the system since amounts expended from the motor vehicle account must be used exclusively for highway purposes in conformance with Article II, section 40 of the state Constitution. This must be accomplished through a loan arrangement with the current interest rate under the terms set by the office of the state treasurer at the time the system is deployed to additional agencies. If the motor vehicle account is not reimbursed for future use of the system, it is further the intent of the legislature that reductions will be made to central service agency charges accordingly.

(2) \$2,296,000 of the motor vehicle account—state appropriation is provided solely for the development of ferries network systems support.

(3) \$365,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with a consultant to develop a plan, in consultation with the office of financial management, and cost estimate to modernize and migrate the department's business applications from an agency-based data center to the state data center or a cloud-based environment.

Sec. 211. 2017 c 313 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING

Motor Vehicle Account—State Appropriation	.....(((\$28,146,000))	
		<u>\$29,368,000</u>
State Route Number 520 Corridor Account—State		
Appropriation	.....	\$34,000
TOTAL APPROPRIATION	.....(((\$28,180,000))	<u>\$29,402,000</u>

*Sec. 212. 2017 c 313 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics Account—State Appropriation	.....(((\$6,749,000))	
		<u>\$7,326,000</u>
Aeronautics Account—Federal Appropriation	.....(((\$4,900,000))	
		<u>\$6,855,000</u>
Aeronautics Account—Private/Local Appropriation	.....	\$171,000
Public Use General Aviation Airport Loan Revolving		
Account—State Appropriation	.....	<u>\$35,000</u>
TOTAL APPROPRIATION	.....(((\$11,820,000))	<u>\$14,387,000</u>

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

~~(((\$2,637,000))~~ (1) \$3,122,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public airports for pavement, safety, planning, and security.

(2) The entire public use general aviation airport loan revolving account—state appropriation is provided solely for the department to support and implement the public use general aviation airport loan program prior to the creation of the community aviation revitalization board.

(3) \$35,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 (electric aircraft). If chapter . . . (Engrossed Substitute House Bill No. 2295), Laws of 2018 is not enacted by June 30, 2018, the amount provided in this subsection lapses.

(4) Within amounts appropriated in this section, the department shall convene an electric aircraft work group to analyze the state of the electrically powered aircraft industry and assess infrastructure needs related to the

deployment of electric or hybrid-electric aircraft for commercial air travel in Washington state.

(a) The work group must include, but is not limited to, representation from the electric aircraft industry, the aircraft manufacturing industry, electric utility districts, the battery industry, the department of commerce, the department of transportation aviation division, the airline pilots association, a primary airport representing an airport association, and the airline industry.

(b) The work group must consider, at a minimum, and make recommendations on the feasibility of electric or hybrid-electric flight given: Federal certification requirements; current and anticipated advancements to battery technology; infrastructure requirements and capacity impacts at primary airports; the need for and feasibility of industry incentives; the potential for public-private partnerships; impacts to revenues generated from aviation fuel sales; educational requirements for maintaining electric or hybrid-electric powered aircraft; homeland security checkpoint requirements; public acceptance of the technology; a cost comparison of fossil fuel and electric or hybrid-electric aircraft engines; emission reduction potential; and policy changes needed to facilitate electric or hybrid-electric powered aircraft use for commercial air travel in Washington state.

(c) The work group must report its findings and recommendations to the transportation committees of the legislature by June 30, 2019.

**Sec. 212 was partially vetoed. See message at end of chapter.*

Sec. 213. 2017 c 313 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H

Motor Vehicle Account—State Appropriation	.....	(\$54,512,000)	
			<u>\$56,408,000</u>
Motor Vehicle Account—Federal Appropriation	.....	\$500,000	
Multimodal Transportation Account—State Appropriation	.....	(\$252,000)	
			<u>\$256,000</u>
TOTAL APPROPRIATION	.....	(\$55,264,000)	
			<u>\$57,164,000</u>

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

(1) \$300,000 of the motor vehicle account—state appropriation is provided solely for the completion of property value determinations for surplus properties to be sold. The value determinations must be completed by agency staff if available; otherwise, the agency may contract out for these services. The real estate services division of the department must recover the cost of its efforts from the sale of surplus property. Proceeds for surplus property sales must fund additional future sales, and the real estate services division shall prioritize staff resources to meet revenue assumptions for surplus property sales.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail

and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(3) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

Sec. 214. 2017 c 313 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle Account—State Appropriation	((\$622,000))
	<u>\$639,000</u>
Electric Vehicle Charging Infrastructure	
Account—State Appropriation	\$1,000,000
Multimodal Transportation Account—State	
Appropriation.....	((\$535,000))
	<u>\$610,000</u>
TOTAL APPROPRIATION	((\$2,157,000))
	<u>\$2,249,000</u>

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

(1) \$35,000 of the multimodal transportation account—state appropriation is provided solely for the public-private partnerships program to conduct an outreach effort to assess interest in a public-private partnership to rebuild the Anacortes ferry terminal. The public-private partnerships program shall issue a request for letters of interest, similar to the request issued in 2009, in a public-private partnership to rebuild the Anacortes ferry terminal by combining the ferry terminal functions and structure with one or more commercial ventures,

including, but not limited to, ventures to provide lodging, conference and meeting facilities, food service, shopping, or other retail operations. The public-private partnerships program shall notify the transportation committees of the legislature upon release of the request for letters of interest and shall provide the transportation committees of the legislature with a summary of the information collected once the letters of interest have been received.

(2) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue). The department may spend no more than one million dollars from the electric vehicle charging infrastructure account during the four-year period of the 2015-2017 and 2017-2019 fiscal biennia.

(3) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(4) \$500,000 of the multimodal transportation account—state appropriation is provided solely to study public-private partnership alternatives for the financing and construction of an entry building located at Colman Dock.

(a) As part of the study, the public-private partnerships program must work with the city of Seattle, Native American tribes, and local community groups to evaluate the efficacy of contracting with a private entity to participate in the construction of the Colman Dock entry building. The study must:

- (i) Identify and discuss options to construct the facility as currently scoped;
- (ii) Identify and discuss options, including rescoping the current design of the facility for purposes of providing a project that has the potential to increase economic development activities along the Seattle waterfront area, such as through the inclusion of office space and restaurants;
- (iii) Consider concepts and options found in the design development described in the 2013-2015 capital budget (chapter 19, Laws of 2013 2nd sp. sess.), including connections to Pier 48 as a future public park;
- (iv) Consider rooftop public access for panoramic views of the Puget Sound and Olympic mountains; and

(v) Consider exhibits of the history and heritage of the vicinity.

(b) By November 15, 2017, the public-private partnerships program must provide a report to the governor and the transportation committees of the legislature on the program's findings and recommendations.

(5) \$75,000 of the multimodal transportation account—state appropriation is provided solely for the department to contract with the Puget Sound Clean Air Agency to conduct a study that identifies and evaluates opportunities to facilitate low-income utilization of electric vehicles. The study must include, but is not limited to, development and evaluation of an electric vehicle car-sharing program for low-income housing sites that is designed to maximize the use of electric vehicles by residents of these sites, and that must consider any infrastructure needs that will need to be met to support the use of electric vehicles at these sites. The department must provide a report detailing the findings of this study to the transportation committees of the legislature by December 1, 2018.

Sec. 215. 2017 c 313 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation	.....	(\$434,781,000)
		<u>\$451,660,000</u>
Motor Vehicle Account—Federal Appropriation	.....	\$7,000,000
State Route Number 520 Corridor Account—State		
Appropriation	.....	\$4,447,000
Tacoma Narrows Toll Bridge Account—State		
Appropriation	.....	\$1,233,000
<u>Alaskan Way Viaduct Replacement Project</u>		
<u>Account—State Appropriation</u>	.....	<u>\$2,982,000</u>
TOTAL APPROPRIATION	.....	(\$447,461,000)
		<u>\$467,322,000</u>

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

(1) ~~(\$7,092,000)~~ \$8,000,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of stormwater runoff from state highways.

(2) \$4,447,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) \$1,233,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) \$35,000 of the motor vehicle account—state appropriation is provided solely for the department to submit a request for proposals as part of a pilot project that explores the use of rotary auger ditch cleaning and reshaping service technology in maintaining roadside ditches for state highways. The pilot project must consist of at least one technology test on each side of the Cascade mountain range.

(5) ~~(\$250,000)~~ \$631,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle. Direct or contracted activities must include collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements. Funds may also be used to contract with the city of Seattle to provide mutual services in rights-of-way similar to contract agreements in the 2015-2017 fiscal biennium. \$381,000 of the amount provided in this subsection is provided solely for one-time equipment procurement needed to implement this subsection.

Sec. 216. 2017 c 313 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

Motor Vehicle Account—State Appropriation	.....	(\$62,578,000)
		<u>\$65,743,000</u>
Motor Vehicle Account—Federal Appropriation	.....	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation	.....	\$250,000

TOTAL APPROPRIATION((~~\$64,878,000~~))
\$68,043,000

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

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(3) The department must make signage for low-height bridges a high priority.

(4) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to coordinate with the appropriate local jurisdictions for development and implementation of a historic route 10 signage program on Interstate 90 from the Columbia River to the Idaho state border.

(5)(a) During the 2017-2019 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: ~~((a))~~ (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; ~~((b))~~ (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; ~~((c))~~ (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and ~~((d))~~ (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW

that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(d) Nothing in this subsection (5) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for high occupancy toll lanes.

Sec. 217. 2017 c 313 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Account—State Appropriation	((\$32,794,000))
	\$34,198,000
Motor Vehicle Account—Federal Appropriation	\$1,656,000
Multimodal Transportation Account—State Appropriation	((\$1,128,000))
	\$1,129,000
TOTAL APPROPRIATION	((\$35,578,000))
	\$36,983,000

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

(1) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonprofit agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women, veterans, and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2017, and annually thereafter.

(2) \$300,000 of the motor vehicle account—state appropriation is provided solely for succession planning and leadership training. The department shall report on the implementation of these activities to the transportation committees of the legislature by December 31, 2018.

(3) From the revenues generated by the five dollar per studded tire fee under RCW 46.37.427, \$150,000 of the motor vehicle account—state appropriation is provided solely for the department, in consultation with the appropriate local jurisdictions and relevant stakeholder groups, to establish a pilot media-based public information campaign regarding the damage of studded tire use on state and local roadways in Spokane county. The reason for the geographic selection of Spokane county for the pilot is based on the high utilization of studded tires in this jurisdiction. The public information campaign must primarily focus on making the consumer aware of the road deterioration, financial impact for taxpayers, the safety implications for other drivers, and, secondarily, the alternatives to studded tires. The pilot must begin by September 1, 2018. By January 14, 2019, the department shall provide the transportation committees of

the legislature an update on the pilot public information program. It is the intent of the legislature that the public information campaign will be a two-year pilot program with a report to the legislature upon completion of the pilot program.

Sec. 218. 2017 c 313 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION PLANNING, DATA, AND RESEARCH—
PROGRAM T**

Motor Vehicle Account—State Appropriation	.....	..((<u>\$23,117,000</u>))
		<u>\$28,073,000</u>
Motor Vehicle Account—Federal Appropriation	.....	..((<u>\$35,182,000</u>))
		<u>\$39,782,000</u>
<u>Motor Vehicle Account—Local Appropriation</u>	.....	<u>\$100,000</u>
Multimodal Transportation Account—State Appropriation	.....	\$711,000
Multimodal Transportation Account—Federal Appropriation	.....	\$2,809,000
Multimodal Transportation Account—Private/Local Appropriation	.....	\$100,000
TOTAL APPROPRIATION	.....	..((<u>\$61,919,000</u>))
		<u>\$71,575,000</u>

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

(1) The department shall investigate opportunities for a transit-oriented development pilot project at the existing Kingsgate park and ride at Interstate 405 and 132nd. The department must coordinate with the city of Kirkland and other key stakeholders to determine the feasibility and cost of transit-oriented development at Kingsgate. A report on the process and outcomes is due to the transportation committees of the legislature no later than December 1, 2017.

(2) \$100,000 of the motor vehicle account—state appropriation and \$250,000 of the motor vehicle account—federal appropriation are provided solely for a study that details a cost estimate for replacing the westbound U.S. 2 trestle and recommends a series of financing options to address that cost and to satisfy debt service requirements.

In conducting the study, the department shall work in close collaboration with a stakeholder group that includes, but is not limited to, Snohomish county, the port of Everett, economic alliance Snohomish county, the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe, and affected transit agencies.

The department shall quantify both the cost of replacing the westbound trestle structure and making mobility and capacity improvements to maximize the use of the structure in the years leading up to full replacement. Financing options that should be examined and quantified include public-private partnerships, public-public partnerships, a transportation benefit district tailored to the specific incorporated and unincorporated area, loans and grants, and other alternative financing measures available at the state or federal level.

The department shall also evaluate ways in which the costs of alternative financing can be debt financed.

The department shall complete the study and submit a final report and recommendations to the transportation committees of the legislature, including

recommendations on statutory changes needed to implement available financing options, by January 8, 2018.

(3) \$181,000 of the motor vehicle account—state appropriation is provided solely for the department, in coordination with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from bridge expansion joints. The study must examine testing methodologies and project timelines and costs. A final report must be submitted to the transportation committees of the legislature by October 15, 2018.

(4) \$200,000 of the motor vehicle account—state appropriation is provided solely for implementation of a practical solutions study for the state route number 162 and state route number 410 interchange, based on the recommendations of the SR-162 Study/Design project (L2000107). The study must include short, medium, and long-term phase recommendations and must be submitted to the transportation committees of the legislature by January 1, 2019.

(5) \$500,000 of the motor vehicle account—state appropriation is provided solely for implementation of a state route number 518 corridor study to be conducted in partnership with the Port of Seattle, Sound Transit and other regional entities. The department must study practical solutions to address high vehicle volumes and delays in the corridor including evaluation of solutions to the rapid growth of traffic in the corridor and how that growth impacts access to the Seattle-Tacoma international airport and the surrounding communities. The study must be submitted to the transportation committees of the legislature by June 30, 2019.

(6) \$500,000 of the motor vehicle account—state appropriation and \$50,000 of the motor vehicle account—local appropriation are provided solely for implementation of a corridor study to identify potential improvements between exit 116 and exit 99 of Interstate 5. The study should further develop mid- and long-term strategies from the corridor sketch, and identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.

(7) Among the options studied as part of the SR 410 Corridor Study, the department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumclaw and Buckley to four lanes and removing the trestle.

(8) Within existing resources, the department shall meet with local stakeholders in south Pierce county and North Thurston county to discuss potential solutions to traffic congestion; emergency management concerns regarding routes away from natural disasters and around incidents similar to the train derailment that occurred on December 18, 2017; and what state transportation investments would benefit the economic development of the area. The department shall provide regular updates on its progress to the joint transportation committee.

Sec. 219. 2017 c 313 s 219 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM
OTHER AGENCIES—PROGRAM U**

Motor Vehicle Account—State Appropriation~~(\$69,997,000)~~
\$75,058,000

Multimodal Transportation Account—State

Appropriation	(\$1,285,000))
	<u>\$1,982,000</u>
TOTAL APPROPRIATION	(\$71,282,000))
	<u>\$77,040,000</u>

Sec. 220. 2017 c 313 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

State Vehicle Parking Account—State Appropriation	(\$754,000))
	<u>\$784,000</u>
Regional Mobility Grant Program Account—State Appropriation	(\$93,920,000))
	<u>\$101,786,000</u>
Rural Mobility Grant Program Account—State Appropriation	\$32,223,000
Multimodal Transportation Account—State Appropriation	(\$92,437,000))
	<u>\$98,381,000</u>
Multimodal Transportation Account—Federal Appropriation	\$3,574,000
TOTAL APPROPRIATION	(\$222,908,000))
	<u>\$236,748,000</u>

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

(1) \$52,679,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$12,000,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Of the amount provided in this subsection (1)(a), \$25,000 of the multimodal transportation account—state appropriation is provided solely for the ecumenical christian helping hands organization for special needs transportation services.

(b) \$40,679,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2015 as reported in the "Summary of Public Transportation - 2015" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$32,223,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) (~~(\$10,290,000)~~) \$10,702,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(4) (~~(\$16,241,000)~~) \$24,107,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2017-2)~~) 2018-2 ALL PROJECTS as developed (~~(April 20, 2017)~~) March 5, 2018, Program - Public Transportation Program (V). Of the amounts provided in this subsection, \$757,000 of the regional mobility grant program account—state appropriation is reappropriated for the Kitsap Transit, SR 305 Interchange Improvements at Suquamish Way Park and Ride (Project 20130101).

(5)(a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document (~~(2017-2)~~) 2018-2 ALL PROJECTS as developed (~~(April 20, 2017)~~) March 5, 2018, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2017, and December 15, 2018, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2017-2019 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a

passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) (~~(\$5,920,000)~~) \$7,170,000 of the multimodal transportation account—state appropriation and (~~(\$754,000)~~) \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount(~~(, \$250,000)~~);

(a) \$500,000 of the multimodal transportation account—state appropriation is provided solely for a voluntary pilot program to expand public-private partnership CTR incentives to make measurable reductions in off-peak, weekend, and nonwork trips. Ridesharing may be integrated into grant proposals. The department shall prioritize grant proposals that focus on the Interstate 90, Interstate 5, state route number 167, or Interstate 405 corridor. The department shall offer competitive trip-reduction grants. The department shall report to the transportation committees of the legislature by December 1, 2018, on the pilot program's impacts to the transportation system and potential improvements to the CTR grant program.

(b) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to direct a pilot transit pass incentive program. Businesses and nonprofit organizations located in a county adjacent to Puget Sound with a population of more than seven hundred thousand that have never offered transit subsidies to employees are eligible to apply to the program for a fifty percent rebate on the cost of employee transit subsidies provided through the regional ORCA fare collection system. No single business or nonprofit organization may receive more than ten thousand dollars from the program.

(i) Businesses and nonprofit organizations may apply and be awarded funds prior to purchasing a transit subsidy, but the department may not provide reimbursement until proof of purchase or a contract has been provided to the department.

(ii) The department shall report to the transportation committees of the legislature on the impact of the program by June 30, 2019, and may adopt rules to administer the program; and

(c) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County.

(8) (~~(\$17,590,000)~~) \$20,891,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document (~~(2017-2)~~) 2018-2 ALL PROJECTS as developed (~~(April 20, 2017)~~) March 5, 2018. It is the intent of the legislature that entities identified to receive funding in the LEAP

document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(9) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(10) \$250,000 of the multimodal transportation account—state appropriation is provided solely for King county for a pilot program to provide certain students in the Highline and Lake Washington school districts with an ORCA card during the summer. To be eligible for an ORCA card under this program, a student must also be in high school, be eligible for free and reduced-price lunches, and have a job or other responsibility during the summer. King county must provide a report to the department and the transportation committees of legislature by December 15, 2018, regarding: The annual student usage of the pilot program, available ridership data, the cost to expand the program to other King county school districts, the cost to expand the program to student populations other than high school or eligible for free and reduced-price lunches, opportunities for subsidized ORCA cards or local grant or matching funds, and any additional information that would help determine if the pilot program should be extended or expanded.

(11) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(12)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (4) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

(i) King County Metro - RapidRide Expansion, Burien-Delridge (G2000031);

(ii) King County Metro - Route 40 Northgate to Downtown (G2000032);

(iii) Spokane Transit - Spokane Central City Line (G2000034);

(iv) Kitsap Transit - East Bremerton Transfer Center (G2000039); or

(v) City of Seattle - Northgate Transit Center Pedestrian Bridge (G2000041).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(13) \$300,000 of the multimodal transportation account—state appropriation is provided solely for Pierce Transit to procure and install digital transit information technology at various transit centers, in order to provide transit riders with real-time arrival and departure information.

(14) \$750,000 of the multimodal transportation account—state appropriation is provided solely for the Intercity Transit Dash shuttle program.

Sec. 221. 2017 c 313 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State	
Appropriation .....	..((\$496,307,000))
	<u>\$509,954,000</u>
Puget Sound Ferry Operations Account—Federal	
Appropriation	\$8,743,000
Puget Sound Ferry Operations Account—Private/Local	
Appropriation	\$121,000
TOTAL APPROPRIATION .....	..((\$505,171,000))
	<u>\$518,818,000</u>

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2017-2019 supplemental and 2019-2021 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) For the 2017-2019 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(3) (~~(\$68,049,000)~~) \$71,004,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2017-2019 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 (~~(of this act)~~) chapter 313, Laws of 2017. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(4) \$30,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2017, and annually thereafter, and that the report include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(5) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(6) \$25,000 of the Puget Sound ferry operations account—state appropriation is provided solely for additional hours of traffic control assistance by a uniformed officer at the Fauntleroy ferry terminal.

(7) \$75,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to contract with the University of Washington to conduct an analysis of loading procedures at the Fautleroy ferry terminal. The department must share the results of the analysis with the governor's office and the transportation committees of the legislature by December 31, 2018.

Sec. 222. 2017 c 313 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State

Appropriation((~~\$80,146,000~~))
\$81,013,000

Multimodal Transportation Account—Private/Local

Appropriation((~~\$46,000~~))
\$496,000

TOTAL APPROPRIATION((~~\$80,192,000~~))
\$81,509,000

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

(1) \$300,000 of the multimodal transportation account—state appropriation is provided solely for a consultant study of ultra high-speed ground transportation. "Ultra high-speed" means two hundred fifty miles per hour or more. The study must identify the costs and benefits of ultra high-speed ground transportation along a north-south alignment in Washington state. The study must provide:

((~~1~~)) (a) An update to the high speed ground transportation study commissioned pursuant to chapter 231, Laws of 1991 and delivered to the governor and legislature on October 15, 1992;

((~~2~~)) (b) An analysis of an ultra high-speed ground transportation alignment between Vancouver, British Columbia and Portland, Oregon with stations in: Vancouver, British Columbia; Bellingham, Everett, Seattle, SeaTac, Tacoma, Olympia, and Vancouver, Washington; and Portland, Oregon, with an option to connect with an east-west alignment in Washington state and with a similar system in the state of California; and

((~~3~~)) (c) An analysis of the following key elements:

((~~a~~)) (i) Economic feasibility;

((~~b~~)) (ii) Forecasted demand;

((~~c~~)) (iii) Corridor identification;

((~~4~~)) (iv) Land use and economic development and environmental implications;

((~~5~~)) (v) Compatibility with other regional transportation plans, including interfaces and impacts on other travel modes such as air transportation;

((~~6~~)) (vi) Technological options for ultra high-speed ground transportation, both foreign and domestic;

((~~7~~)) (vii) Required specifications for speed, safety, access, and frequency;

((~~8~~)) (viii) Identification of existing highway or railroad rights-of-way that are suitable for ultra high-speed travel, including identification of additional

rights-of-way that may be needed and the process for acquiring those rights-of-way;

~~((f))~~ (ix) Institutional arrangements for carrying out detailed system planning, construction, and operations; and

~~((g))~~ (x) An analysis of potential financing mechanisms for an ultra high-speed travel system.

The department shall provide a report of its study findings to the governor and transportation committees of the legislature by December 15, 2017.

(2)(a) \$450,000 of the multimodal transportation account—private/local appropriation and \$750,000 of the multimodal transportation account—state appropriation is provided solely for a consultant business case analysis of ultra high-speed ground transportation. The business case analysis must build on the results of the 2017 Washington state ultra high-speed ground transportation feasibility study.

(b) The business case analysis must include an advisory group with members as provided in this subsection. The president of the senate shall appoint one member from each of the two largest caucuses of the senate; the speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; the governor or his or her designee; the secretary of transportation or his or her designee; the director of the department of commerce or his or her designee; the rail director of the department of transportation or his or her designee; and representatives from communities and stakeholders from public and private sectors relevant to the analysis, including from the province of British Columbia and the state of Oregon.

(c) The department shall provide a report of its findings to the governor and transportation committees of the legislature by June 30, 2019.

Sec. 223. 2017 c 313 s 223 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation	.....	(\$10,644,000)
		<u>\$11,347,000</u>
Motor Vehicle Account—Federal Appropriation	.....	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation	.....	\$132,000
TOTAL APPROPRIATION	.....	(\$13,343,000)
		<u>\$14,046,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,100,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to: Provide statewide updates to transportation metrics and financial reporting; develop and implement an inventory of county culvert and short-span bridge infrastructure; and develop and implement enhanced road safety data in support of county road systemic safety programs. The Washington state association of counties must develop and implement data collection, management, and reporting in cooperation with state agencies involved with the collection and maintenance of related inventory systems.

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2017 c 313 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State

Appropriation((~~\$22,462,000~~))

\$22,507,000

Highway Safety Account—State Appropriation((~~\$1,900,000~~))

\$2,000,000

Motor Vehicle Account—Federal Appropriation \$3,250,000

Freight Mobility Multimodal Account—State

Appropriation((~~\$21,843,000~~))

\$22,283,000

Freight Mobility Multimodal Account—Private/Local

Appropriation \$1,320,000

TOTAL APPROPRIATION((~~\$50,775,000~~))

\$51,360,000

Sec. 302. 2017 c 313 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation((~~\$3,103,000~~))

\$4,503,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for the following projects:

(1) \$250,000 for emergency repairs;

(2) \$728,000 for roof replacements;

(3) (~~(\$2,000,000 for the state patrol academy in Shelton for replacement of the skid pan, repair of the training tank, and replacement of the HVAC system; and~~

~~(4))~~ \$125,000 for the Whiskey Ridge generator shelter;

(4) \$200,000 for replacement of the HVAC system at the state patrol academy in Shelton;

(5) \$700,000 for repair of the training tank at the state patrol academy in Shelton; and

(6) \$2,500,000 for the replacement of the skid pan at the state patrol academy in Shelton.

The Washington state patrol may transfer funds between projects specified in this section to address cash flow requirements. If a project specified in this section is completed for less than the amount provided, the remainder may be transferred to another project specified in this section not to exceed the total appropriation provided in this section.

Sec. 303. 2017 c 313 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation((~~\$58,186,000~~))

\$63,186,000

Motor Vehicle Account—State Appropriation \$706,000

County Arterial Preservation Account—State

Appropriation((~~\$35,434,000~~))

\$38,434,000

TOTAL APPROPRIATION((~~\$94,326,000~~))
\$102,326,000

Sec. 304. 2017 c 313 s 304 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State

Appropriation \$5,780,000

Transportation Improvement Account—State

Appropriation((~~\$240,300,000~~))
\$279,300,000

Multimodal Transportation Account—State

Appropriation \$14,670,000

TOTAL APPROPRIATION((~~\$260,750,000~~))
\$299,750,000

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

(1) The entire multimodal transportation account—state appropriation is provided solely for the complete streets program.

(2) \$9,687,000 of the transportation improvement account—state appropriation is provided solely for:

(a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;

(b) The small city pavement program to help cities meet urgent preservation needs; and

(c) The small city low-energy street light retrofit program.

Sec. 305. 2017 c 313 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation((~~\$6,087,000~~))
\$10,070,000

Connecting Washington Account—State Appropriation((~~\$24,257,000~~))
\$26,537,000

Transportation Partnership Account—State

Appropriation \$17,000

TOTAL APPROPRIATION((~~\$30,344,000~~))
\$36,624,000

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

(1) ((~~\$16,170,000~~)) \$17,237,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2) ((~~\$8,087,000~~)) \$9,300,000 of the connecting Washington account—state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

(3)(a) \$3,400,000 of the motor vehicle account—state appropriation is provided solely for the department facility located at 15700 Dayton Ave N in

Shoreline. This appropriation is contingent upon the department of ecology and department of licensing signing a not less than twenty-year agreement to pay proportional shares of an annual amount equal to any financing contract issued pursuant to chapter 39.94 RCW.

(b) Payments from the department of licensing and department of ecology as described in this subsection shall be deposited into the motor vehicle account.

(c) Total project costs are not to exceed \$46,500,000.

Sec. 306. 2017 c 313 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Transportation Partnership Account—State

Appropriation((~~\$570,992,000~~))
\$689,745,000

Motor Vehicle Account—State Appropriation((~~\$47,406,000~~))
\$72,967,000

Motor Vehicle Account—Federal Appropriation((~~\$216,647,000~~))
\$253,410,000

Motor Vehicle Account—Private/Local Appropriation((~~\$24,209,000~~))
\$49,330,000

Connecting Washington Account—State
Appropriation((~~\$1,159,822,000~~))
\$1,215,013,000

Special Category C Account—State Appropriation((~~\$6,146,000~~))
\$11,000,000

Multimodal Transportation Account—State
Appropriation((~~\$15,162,000~~))
\$16,299,000

Alaskan Way Viaduct Replacement Project Account—State
Appropriation((~~\$122,046,000~~))
\$122,047,000

Transportation 2003 Account (Nickel Account)—State
Appropriation((~~\$51,115,000~~))
\$52,457,000

Interstate 405 Express Toll Lanes Operations Account—State
Appropriation((~~\$12,000,000~~))
\$6,258,000

TOTAL APPROPRIATION((~~\$2,225,545,000~~))
\$2,488,526,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2017-1) 2018-1 as developed ((April 20, 2017) March 5, 2018, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document ((2017-1)) 2018-1 as developed ((April 20, 2017)) March 5, 2018, Program - Highway Improvements Program (I).

(3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year ((2017)) funds transferred in the prior fiscal year using this subsection as part of the department's ((2018)) annual budget submittal.

(5) The connecting Washington account—state appropriation includes up to ((~~\$360,433,000~~)) \$323,175,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(6) The transportation 2003 account (nickel account)—state appropriation includes up to ((~~\$51,115,000~~)) \$25,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(7) The transportation partnership account—state appropriation includes up to ((~~\$325,748,000~~)) \$367,622,000 in proceeds from the sale of bonds authorized in RCW 47.10.873. ((Of this amount, ~~\$122,046,000~~ must be transferred to the Alaskan Way viaduct replacement project account.))

(8) The Alaskan Way viaduct replacement project account—state appropriation includes up to \$122,047,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(9) The motor vehicle account—state appropriation includes up to \$43,448,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

((~~8~~) ~~\$159,407,000~~) (10) \$194,258,000 of the transportation partnership account—state appropriation, \$7,000 of the motor vehicle account—federal appropriation, ((~~\$8,000,000~~)) \$27,903,000 of the motor vehicle account—private/local appropriation, ((~~\$29,100,000~~)) \$30,097,000 of the transportation 2003 account (nickel account)—state appropriation, ((~~\$122,046,000~~)) \$122,047,000 of the Alaskan Way viaduct replacement project account—state appropriation, and ((~~\$2,662,000~~)) \$2,663,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

((~~9~~)) (11) \$12,500,000 of the multimodal transportation account—state appropriation is provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B).

((~~10~~)) (12) Within existing resources, during the regular sessions of the legislature, the department of transportation shall participate in work sessions,

before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

~~((11) \$5,804,000))~~ (13) \$7,769,000 of the transportation partnership account—state appropriation, ~~((5,162,000))~~ \$6,744,000 of the transportation 2003 account (nickel account)—state appropriation, \$215,000 of the motor vehicle account—federal appropriation, and ~~((146,000))~~ \$5,000,000 of the special category C account—state appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor project or any future phase of the project in 2017-2019.

~~((12) \$26,601,000))~~ (14) \$27,415,000 of the transportation partnership account—state appropriation and ~~((10,956,000))~~ \$13,158,000 of the transportation 2003 account (nickel account)—state appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C), the I-405 Renton to Bellevue project (M00900R), or the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) in the 2017-2019 fiscal biennium.

~~((13) \$1,500,000))~~ (15) \$4,960,000 of the transportation partnership account—state appropriation ~~((15))~~ and \$3,000,000 of the Interstate 405 express toll lanes operations account—state appropriation are provided solely for ~~((preliminary engineering))~~ the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project. The transportation partnership account—state appropriation funding is a transfer or a reappropriation of a transfer from the I-405/Kirkland Vicinity Stage 2 - Widening project due to savings, and will start an additional phase of this I-405 project.

~~((14))~~ (16)(a) The SR 520 Bridge Replacement and HOV project (8BI1003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$924,615,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) ~~((44,311,000))~~ \$78,958,000 of the transportation partnership account—state appropriation ~~((15))~~, \$12,296,000 of the motor vehicle account—federal appropriation, and \$232,000 of the motor vehicle account—local appropriation are provided solely for the SR 520 Bridge Replacement and HOV project (8BI1003).

(c) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be

covered by tolls collected on the toll facility and not by the motor vehicle account.

~~((15))~~ (17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's ~~((2018))~~ annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((16))~~ (18) Any advisory group that the department convenes during the 2017-2019 fiscal biennium must consider the interests of the entire state of Washington.

~~((18))~~ (19) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

~~((19) \$93,500,000)~~ (20) \$93,651,000 of the connecting Washington account—state appropriation is provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) Proceeds from the sale of any surplus real property acquired for the purpose of building the SR 167/SR 509 Puget Sound Gateway (M00600R) project must be deposited into the motor vehicle account for the purpose of constructing the project.

~~((20))~~ (21)(a) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(b) The secretary of transportation must develop a memorandum of understanding with local project stakeholders that identifies a schedule for stakeholders to provide local matching funds for the Puget Sound Gateway project. Criteria for eligibility of local match includes matching funds and equivalent in-kind contributions including, but not limited to, land donations. The memorandum of understanding must be finalized by July 1, 2018. The department must submit a copy of the memorandum of understanding to the transportation committees of the legislature and report regularly on the status of the requirements outlined in this subsection ~~((20))~~ (21)(b) and (c) of this subsection.

(c) During the course of developing the memorandum of understanding, the department must evaluate the project schedules to determine if there are any

benefits to be gained by moving the project schedule forward. (~~Additionally, the department must consider completing~~) It is the legislature's intent that if the department identifies any savings after the funding gap on the base project is closed as part of the proposal to expedite the project, that these cost savings shall go toward construction of a full single-point urban interchange at the junction of state route number 161 (Meridian avenue) and state route number 167 and a full single-point urban interchange at the junction of state route number 509 and 188th Street. If the department receives additional funds from an outside source for this project after the funding gap on the base project is closed, the funds must be applied toward the completion of these two full single-point urban interchanges.

(d) For the SR 167/SR 509 Puget Sound Gateway project (M00600R) the department is strongly encouraged to work to relocate any significant businesses currently located within the planned path of the state route number 509/Interstate 5 under-crossing to a location within the Kent city limits. The department shall provide regular updates on its progress to the joint transportation committee and affected stakeholders.

(e) In designing the state route number 509/state route number 516 interchange component of the SR 167/SR 509 Puget Sound Gateway project (M00600R), the department shall make every effort to utilize the preferred "4B" design.

~~((21))~~ (22) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

~~((22) \$600,000)~~ (23)(a) \$2,000,000 of the transportation partnership account—state appropriation and \$942,000 of the motor vehicle account—state appropriation are provided solely for the U.S. 2 Trestle IJR project (L1000158).

(b) Of the amounts provided in this subsection, \$942,000 of the motor vehicle account—state appropriation is provided solely for the department to complete an interchange justification report (IJR) for the U.S. 2 trestle ((L1000158)), covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

~~((23))~~ (24)(a) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be affected by the I-90/Two-Way Transit and HOV Improvements project. One of the most heavily traveled on-ramps from Mercer Island to the westbound Interstate 90 general purpose lanes is from Island Crest Way. The department must continue to consult with the city of Mercer Island and the other signatories to the 1976 memorandum of agreement to preserve access

provided to Mercer Island by the Island Crest Way on-ramp, and thus grandfather in the current use of the on-ramp for both high occupancy vehicles as well as vehicles seeking to access the general purpose lanes of Interstate 90. The department must consider all reasonable access solutions, including allowing all vehicles to use the Island Crest Way on-ramp to access the new high occupancy vehicle lane with a reasonable and safe distance provided for single-occupancy vehicles to merge into the general purpose lanes.

(b) A final access solution for Mercer Island must consider the following criteria: Safety; operational effects on all users, including maintaining historic access to Interstate 90 provided from Mercer Island by Island Crest Way; enforcement requirements; and compliance with state and federal law.

(c) The department may not restrict by occupancy the westbound on-ramp from Island Crest Way until a final access solution that meets the criteria in (b) of this subsection has been reached.

~~((24) \$2,000,000)~~ (25) \$3,258,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the I-405 NB Hard Shoulder Running - SR 527 to I-5 project (L1000163).

~~((25))~~ (26) The legislature finds that there are sixteen companies involved in wood preserving in the state that employ four hundred workers and have an annual payroll of fifteen million dollars. Before the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2019, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

~~((26))~~ (27) For the SR 526 Corridor Improvements project (N52600R), the department shall look holistically at the state route number 526 corridor from the state route number 526/Interstate 5 interchange at the east end to the southwest Everett industrial area and Boeing's west access road on the west end. The department, working with affected jurisdictions and stakeholders, shall select project elements that best maximize mobility and congestion relief in the corridor and draw from project elements identified in a practical solutions process.

~~((27) It is the intent of the legislature that for the I-5/Slater Road Interchange Improvements project (L1000099), \$2,000,000 of connecting Washington account state funds be added in the 2021-2023 fiscal biennium and \$10,100,000 of connecting Washington account state funds be added in the 2023-2025 fiscal biennium, and that the LEAP transportation document referenced in subsection (1) of this section be updated accordingly:))~~

(28)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) SR 20/Sharpes Corner Vicinity Intersection (L1000112);
- (ii) I-5/Marvin Road/SR 510 Interchange (L1100110);
- (iii) I-5/Northbound On-ramp at Bakerview (L2000119);
- (iv) US 395/Ridgeline Intersection (L2000127);
- (v) I-90/Eastside Restripe Shoulders (L2000201);
- (vi) SR 240/Richland Corridor Improvements (L2000202);
- (vii) SR 14/Bingen Overpass (L2220062);
- (viii) US Hwy 2 Safety (N00200R);
- (ix) SR 520/148th Ave NE Overlake Access Ramp (L1100101);
- (x) SR 28/SR 285 North Wenatchee Area Improvements (L2000061);
- (xi) I-5/Rebuild Chamber(§) Way Interchange Improvements (L2000223);
- (xii) SR 28 East Wenatchee Corridor Improvements (T10300R);
- (xiii) (~~SR 3/Belfair Bypass — New Alignment~~) SR 3 Freight Corridor (T30400R); or
- (xiv) SR 510/Yelm Loop Phase 2 (T32700R).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(29) Within existing resources and in consultation with local communities, the department shall begin planning efforts, including traffic data collection, analysis and evaluation, scoping, and environmental review, for roundabouts at the intersection of state route number 900 and SE May Valley Road and at the intersection of state route number 169 and Cedar Grove Road SE.

(30) (~~Among the options studied as part of the SR 410 Corridor Study project (L1000174), the department shall examine the mobility and safety benefits of replacing or expanding the White River bridge between Enumelaw and Buckley to four lanes and removing the trestle.~~) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system.

To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its direction to the department to lead the way in advancing the reuse and recycling of construction aggregate and recycled concrete materials whenever readily available, to use these recycled products when cost competitive, and to work with industry implementation partners to remove obstacles that unnecessarily preclude or inhibit their use and implement strategies for the reuse and recycling of construction aggregate and recycled concrete materials.

Specific steps and efforts made to achieve these objectives and accomplishments shall be included in the annual report to the legislature as required by RCW 70.95.807.

(31) Within existing resources, the department shall implement a safety solution after evaluating barrier and mitigation options on state route number 167 between the intersections with 50th Ave E and E 40th Street in Pierce county to prevent vehicles from leaving the roadway and entering private property below the grade of the highway.

(32) \$350,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter 288 (Substitute Senate Bill No. 5806), Laws of 2017 (I-5 Columbia river bridge), listed as Replacement Bridge on Interstate 5 across the Columbia River project number (L2000259).

(33) For the SR 520 Seattle Corridor Improvements - West End project (M00400R), the legislature recognizes the department must acquire the entirety of parcel number 1-23190 for construction of the project. The department shall work with its design-build contractor to ensure to the maximum extent practicable that the building housing any grocery store or market currently located on parcel number 1-23190 will be preserved. The legislature recognizes the city of Seattle has requirements in the project area that the department must address and that those requirements may affect the use of parcel number 1-23190 and may affect the ability of the department to preserve any grocery store or market currently located on the property. The department shall meet and confer regularly with residents in the vicinity of the parcel regarding the status of the project and its effects on any grocery store or market currently located on the property. The legislature strongly encourages the city to utilize maximum flexibility in how the department meets the city's requirements and to be an equal partner in efforts to preserve any grocery store or market on parcel number 1-23190.

Sec. 307. 2017 c 313 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
PRESERVATION—PROGRAM P**

Recreational Vehicle Account—State Appropriation	(\$2,480,000)	\$3,584,000
High-Occupancy Toll Lanes Operations Account—State Appropriation		\$161,000
Transportation Partnership Account—State Appropriation	(\$204,000)	\$12,785,000
Motor Vehicle Account—State Appropriation	(\$49,192,000)	\$63,246,000
Motor Vehicle Account—Federal Appropriation	(\$515,368,000)	\$579,624,000
Motor Vehicle Account—Private/Local Appropriation	(\$10,400,000)	\$11,739,000
State Route Number 520 Corridor Account—State Appropriation	(\$498,000)	\$1,747,000
Connecting Washington Account—State Appropriation	(\$185,030,000)	\$204,242,000
Tacoma Narrows Toll Bridge Account—State Appropriation	(\$384,000)	\$856,000
Transportation 2003 Account (Nickel Account)—State Appropriation	(\$58,894,000)	\$57,849,000
TOTAL APPROPRIATION	(\$822,450,000)	\$935,833,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2017-4)) 2018-1 as developed ((April 20, 2017)) March 5, 2018, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as otherwise provided in this section, the entire transportation 2003 account (nickel account)—state appropriation is provided solely for the projects and activities as listed in LEAP Transportation Document ((2017-4)) 2018-1 as developed ((April 20, 2017)) March 5, 2018, Program - Highway Preservation Program (P).

(3) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(4) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act. The department shall submit a report on fiscal year ((2017)) funds transferred in the prior fiscal year using this subsection as part of the department's ((2018)) annual budget submittal.

(5) The transportation 2003 account (nickel account)—state appropriation includes up to ((\$13,395,000)) \$29,553,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(6) The motor vehicle account—state appropriation includes up to \$29,985,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(((\$7,200,000)) (7) \$11,553,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701 ((of this act)), chapter 313, Laws of 2017. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(((\$7)) (8) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards,

settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project.

~~((8))~~ ~~(\$22,620,000)~~ (9) \$20,755,000 of the motor vehicle account—federal appropriation and ~~((663,000))~~ \$844,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. When practicable, the department shall pursue design-build contracts for these bridge projects to expedite delivery. The department shall provide a report that identifies the progress of each project funded in this subsection as part of its ~~((2018))~~ annual agency budget request.

~~((9))~~ (10) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

~~((10))~~ (11)(a) ~~(\$4,820,000)~~ \$9,014,000 of the motor vehicle account—federal appropriation and ~~((182,000))~~ \$217,000 of the motor vehicle account—state appropriation are provided solely for weigh station preservation (OBP3006). These amounts must be held in unallotted status, except that the director of the office of financial management may approve allotment of the funds upon fulfillment of the conditions of (b) of this subsection.

(b) The department and the Washington state patrol shall jointly submit a prioritized list of weigh station projects to the office of financial management by October 1, 2017. Projects submitted must include estimated costs for preliminary engineering, rights-of-way, and construction and must also consider the timing of any available funding for weigh station projects.

~~((11))~~ (12) The department must consult with the Washington state patrol and the office of financial management during the design phase of any improvement or preservation project that could impact Washington state patrol weigh station operations. During the design phase of any such project, the department must estimate the cost of designing around the affected weigh station's current operations, as well as the cost of moving the affected weigh station.

~~((12))~~ (13) During the course of any planned resurfacing or other preservation activity on state route number 26 between Colfax and Othello in the 2017-2019 fiscal biennium, the department must add dug-in reflectors.

~~((13))~~ (14) The department shall continue to monitor the test patch of pavement that used electric arc furnace slag as an aggregate and report back to the legislature by December 1, 2018, on its comparative wear resistance, skid resistance, and feasibility for use throughout the state in new pavement construction.

~~((14))~~ (15) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the US 12/Wildcat Bridge Replacement project (L2000075). At least ten business days before advancing the project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of the project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(16) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

Sec. 308. 2017 c 313 s 308 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL

Motor Vehicle Account—State Appropriation	.....((\$4,913,000))	<u>\$6,636,000</u>
Motor Vehicle Account—Federal Appropriation	.....((\$5,106,000))	<u>\$5,566,000</u>
Motor Vehicle Account—Private/Local Appropriation	.....((\$500,000))	<u>\$649,000</u>
TOTAL APPROPRIATION	.....((\$10,519,000))	<u>\$12,851,000</u>

The appropriations in this section are subject to the following conditions and limitations: The department shall set aside a sufficient portion of the motor vehicle account—state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

Sec. 309. 2017 c 313 s 309 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Puget Sound Capital Construction Account—State Appropriation	.....((\$59,924,000))	<u>\$72,024,000</u>
Puget Sound Capital Construction Account—Federal Appropriation	.....((\$152,838,000))	<u>\$205,032,000</u>
Puget Sound Capital Construction Account—Private/Local Appropriation	.....((\$15,654,000))	<u>\$27,196,000</u>
Transportation Partnership Account—State		

Appropriation	\$2,923,000
Connecting Washington Account—State Appropriation	(\$142,837,000)
	<u>\$136,918,000</u>
<u>Multimodal Transportation Account—State Appropriation.....</u>	<u>\$2,734,000</u>
<u>Transportation 2003 Account (Nickel Account)—State</u>	
<u>Appropriation.....</u>	<u>\$4,169,000</u>
TOTAL APPROPRIATION	(\$374,176,000)
	<u>\$450,996,000</u>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document (~~(2017-2)~~) 2018-2 ALL PROJECTS as developed (~~(April 20, 2017)~~) March 5, 2018, Program - Washington State Ferries Capital Program (W) and is contingent upon the enactment of subsection (6) of this section.

(2) (~~(\$26,252,000)~~) \$27,825,000 of the Puget Sound capital construction account—federal appropriation (~~(and \$63,804,000)~~), \$44,485,000 of the connecting Washington account—state appropriation, and \$1,483,000 of the Puget Sound capital construction account—state appropriation are provided solely for the Mukilteo ferry terminal (952515P). To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net-zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal. To the extent practicable, the department shall avoid the closure of, or disruption to, any existing public access walkways in the vicinity of the terminal project during construction. Of the amounts provided in this subsection, \$750,000 of the Puget Sound capital construction account—state appropriation is provided solely for additional photovoltaic panels for this project.

(3) (~~(\$61,729,000)~~) \$94,671,000 of the Puget Sound capital construction account—federal appropriation, (~~(\$36,529,000)~~) \$46,919,000 of the connecting Washington account—state appropriation, (~~(and \$15,554,000)~~) \$26,949,000 of the Puget Sound capital construction account—private/local appropriation, \$2,734,000 of the multimodal transportation account—state appropriation, \$511,000 of the Puget Sound capital construction account—state appropriation, and \$679,000 of the transportation 2003 (nickel account)—state appropriation are provided solely for the Seattle Terminal Replacement project (900010L).

(4) \$5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) (~~(\$775,000)~~) \$950,000 of the Puget Sound capital construction account—state appropriation is provided solely for life extension of the existing ticketing system and ORCA acceptance (998521A and 998521B). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(6)(a) The department shall, in consultation with the office of financial management, hire an independent planning consultant to assist with overall

scope development of a new ferry system long-range plan, including incorporating the items listed in (b) of this subsection. The independent planning consultant must have experience in planning for other ferry systems.

(b) The department shall update the ferries division long-range plan by January 1, 2019. In reviewing the changing needs of the users of the ferry system and the associated funding opportunities and challenges, the department must include, but is not limited to, the following elements in the new long-range plan:

(i) Identify changes in the demographics of users of the system;

(ii) Review route timetables and propose adjustments that take into consideration ridership volume, vessel load times, proposed and current passenger-only ferry system ridership, and other operational needs;

(iii) Review vessel needs by route and propose a vessel replacement schedule, vessel retirement schedule, and estimated number of vessels needed. This analysis should also articulate a reserve vessel strategy;

(iv) Identify the characteristics most appropriate for replacement vessels, such as passenger and car-carrying capacity, while taking into consideration other cost-driving factors. These factors should include:

(A) Anticipated crewing requirements;

(B) Fuel type;

(C) Other operating and maintenance costs;

(v) Review vessel dry dock needs, consider potential impacts of the United States navy, and propose strategies to meet these needs;

(vi) Address the seismic vulnerability of the system and articulate emergency preparedness plans;

(vii) Evaluate leased and state-owned property locations for the ferry headquarters, to include an analysis of properties outside the downtown area of Seattle;

(viii) Evaluate strategies that may help spread peak ridership, such as time-of-day ticket pricing and expanding the reservation system; and

(ix) Identify operational changes that may reduce costs, such as nighttime tie-up locations.

(c) The department shall submit a status report on the long-range plan update to the governor and the transportation committees of the legislature by June 30, 2018, and a final report by January 1, 2019.

(7) \$600,000 of the Puget Sound capital construction account—state appropriation is provided solely for development of a request for proposal to convert the three ferry vessels in the Jumbo Mark II class to hybrid electric propulsion and make associated necessary modifications to the Seattle, Bainbridge, Edmonds, and Kingston terminals. The department is directed to explore capital project financing options to include, but not be limited to, federal funding opportunities, private or local contributions, application for Volkswagen settlement funds, and energy-savings performance contracting to be repaid in whole or in part by fuel-cost savings. The department will report total capital cost estimates, optimal construction schedule, annual capital and operating savings or costs, and a recommended funding option to the governor and to the transportation committees of the legislature by June 30, 2019.

Sec. 310. 2017 c 313 s 310 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Essential Rail Assistance Account—State Appropriation	(\$424,000)
	<u>\$845,000</u>
Transportation Infrastructure Account—State Appropriation	(\$5,367,000)
	<u>\$7,575,000</u>
Multimodal Transportation Account—State Appropriation	(\$51,665,000)
	<u>\$79,357,000</u>
Multimodal Transportation Account—Federal Appropriation	(\$1,487,000)
	<u>\$59,814,000</u>
TOTAL APPROPRIATION	(\$58,943,000)
	<u>\$147,591,000</u>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018, Program - Rail Program (Y).

(2) ((\$5,000,000)) \$7,009,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3) \$7,017,000 of the multimodal transportation account—state appropriation and \$24,000 of the essential rail assistance account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5)(a) (~~(\$400,000)~~) \$686,000 of the essential rail assistance account—state appropriation (~~and (\$305,000)~~), \$422,000 of the multimodal transportation account—state appropriation, and \$21,000 of the transportation infrastructure account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property (~~pursuant to RCW 47.76.290~~) relating to the Palouse river and Coulee City railroad; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2018, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) For projects funded as part of the 2015 connecting Washington transportation package identified on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance the South Kelso Railroad Crossing project (L1000147). At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

(8) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

Sec. 311. 2017 c 313 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway Infrastructure Account—State Appropriation	(\$293,000)
	<u>\$1,083,000</u>
Highway Infrastructure Account—Federal Appropriation	(\$218,000)
	<u>\$488,000</u>
Transportation Partnership Account—State Appropriation	(\$1,143,000)

	<u>\$2,321,000</u>
Highway Safety Account—State Appropriation	((\$2,388,000))
	<u>\$4,287,000</u>
Motor Vehicle Account—State Appropriation	((\$15,080,000))
	<u>\$28,659,000</u>
Motor Vehicle Account—Federal Appropriation	((\$65,187,000))
	<u>\$71,614,000</u>
Motor Vehicle Account—Private/Local Appropriation	\$18,000,000
Connecting Washington Account—State Appropriation	((\$118,293,000))
	<u>\$137,387,000</u>
Multimodal Transportation Account—State Appropriation	((\$56,079,000))
	<u>\$82,382,000</u>
TOTAL APPROPRIATION	((\$276,681,000))
	<u>\$346,221,000</u>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((~~April 20, 2017~~)) March 5, 2018, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$18,380,000 of the multimodal transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle safety program projects. ((~~\$6,432,000~~)) \$14,219,000 of the multimodal transportation account—state appropriation and ((~~\$1,143,000~~)) \$1,846,000 of the transportation partnership account—state appropriation are reappropriated for pedestrian and bicycle safety program projects selected in the previous biennia (L2000188).

(b) \$11,400,000 of the motor vehicle account—federal appropriation and \$7,750,000 of the multimodal transportation account—state appropriation are provided solely for newly selected safe routes to school projects. ((~~\$6,372,000~~)) \$11,181,000 of the motor vehicle account—federal appropriation, ((~~\$923,000~~)) \$1,394,000 of the multimodal transportation account—state appropriation, and ((~~\$2,388,000~~)) \$4,287,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2017, and December 1, 2018, on the status of

projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) (~~(\$18,741,000)~~) \$32,984,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$43,800,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016. The department shall validate the projects on the list. Only tier one projects on the prioritized freight project list that are validated by the department may receive funding under this subsection. The department shall continue to work with the Washington state freight advisory committee to improve project screening and validation to support project prioritization and selection, including during the freight mobility plan update in 2017. The department may compete for funding under this program and shall provide an updated prioritized freight project list when submitting its 2019-2021 budget request. To the greatest extent practicable, the department shall follow the Washington state freight advisory committee recommendation to allocate ten percent of the funds in this subsection to multimodal projects as permitted under the fixing America's surface transportation (FAST) act.

(6) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,400,000 in federal funds during the 2017-2019 fiscal biennium. Of the amounts identified in this subsection, a minimum of \$500,000 must be for railroad grade-crossing safety grants at locations where multiple pedestrian or bicyclist fatalities have occurred in the vicinity of a grade-crossing in the last five years.

(7) \$8,000,000 of the connecting Washington account—state appropriation is provided solely for the Covington Connector (L2000104). The amounts described in the LEAP transportation document referenced in subsection (1) of this section are not a commitment by future legislatures, but it is the legislature's intent that future legislatures will work to approve appropriations in the 2019-2021 fiscal biennium to reimburse the city of Covington for approved work completed on the project up to the full \$24,000,000 cost of this project.

(8)(a) For projects funded as part of the 2015 connecting Washington transportation package listed on the LEAP transportation document identified in subsection (1) of this section, if the department expects to have substantial reappropriations for the 2019-2021 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that cannot be used for the current fiscal biennium to advance one or more of the following projects:

- (i) SR 502 Main Street Project/Widening (L2000065);
- (ii) Complete SR 522 Improvements-Kenmore (T10600R);
- (iii) Issaquah-Fall City Road (L1000094);
- (iv) Lewis Street Bridge (L2000066);
- (v) Covington Connector (L2000104);
- (vi) Orchard Street Connector (L2000120);
- (vii) Harbour Reach Extension (L2000136);

- (viii) Sammamish Bridge Corridor (L2000137);
- (ix) Brady Road (L2000164);
- (x) Thornton Road Overpass (L2000228);
- (xi) I-5/Port of Tacoma Road Interchange (L1000087);
- (xii) Wilburton Reconnection Project (G2000006);
- (xiii) SR 520 Trail Grade Separation at 40th Street (G2000013);
- (xiv) Bay Street Pedestrian Project (G2000015); or
- (xv) Cowiche Canyon Trail (G2000010).

(b) At least ten business days before advancing a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2019-2021 fiscal biennium.

~~((9) \$1,500,000 of the motor vehicle account state appropriation is provided solely for the Spokane Valley Barker/Trent grade separation project.~~

~~((10) \$280,000 of the motor vehicle account state appropriation is provided solely for the Woodin Avenue bridge one-way conversion project in Chelan.)~~

Sec. 312. 2017 c 313 s 312 (uncodified) is amended to read as follows:

ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

(1) As part of its annual budget submittal (~~((for the 2018 supplemental budget))~~), the department of transportation shall provide an update to the report provided to the legislature in ~~((2017))~~ the prior fiscal year that: (a) Compares the original project cost estimates approved in the 2003, 2005, and 2015 revenue package project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed; (b) identifies highway projects that may be reduced in scope and still achieve a functional benefit; (c) identifies highway projects that have experienced scope increases and that can be reduced in scope; (d) identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and (e) identifies contingency amounts allocated to projects.

(2) As part of its annual budget submittal (~~((for the 2018 supplemental budget))~~), the department of transportation shall provide: (a) An annual report on the number of toll credits the department has accumulated and how the department has used the toll credits, and (b) a status report on the projects funded using federal national highway freight program funds.

(3) Working in concert with the office of financial management and local governments, the department will work to identify local agency concerns regarding services provided by the department to local governments for which a fee is charged. The department will provide a report with its 2019-2021 biennial budget submittal to the governor and transportation committees of the legislature on the identified services and associated fees(s). The report must include, but is not limited to, a description of the identified project services provided to local agencies, estimates of the associated charges for the service, and an accounting of expenditures charged to local agencies associated with the identified services during the previous two fiscal years.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2017 c 313 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State	
Appropriation	(\$2,239,000)
	<u>\$4,646,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$736,000</u>
Connecting Washington Account—State Appropriation	(\$1,802,000)
	<u>\$3,199,000</u>
Highway Bond Retirement Account—State	
Appropriation	(\$1,238,072,000)
	<u>\$1,229,874,000</u>
Ferry Bond Retirement Account—State Appropriation	\$28,873,000
Transportation Improvement Board Bond Retirement	
Account—State Appropriation	\$13,254,000
Nondebt-Limit Reimbursable Bond Retirement	
Account—State Appropriation	(\$26,609,000)
	<u>\$26,391,000</u>
Toll Facility Bond Retirement Account—State	
Appropriation	\$86,493,000
Transportation 2003 Account (Nickel Account)—State	
Appropriation	(\$323,000)
	<u>\$450,000</u>
TOTAL APPROPRIATION	(\$1,397,665,000)
	<u>\$1,393,916,000</u>

Sec. 402. 2017 c 313 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State	
Appropriation	(\$448,000)
	<u>\$939,000</u>
<u>Motor Vehicle Account—State Appropriation</u>	<u>\$147,000</u>
Connecting Washington Account—State Appropriation	(\$360,000)
	<u>\$640,000</u>
Transportation 2003 Account (Nickel Account)—State	
Appropriation	(\$65,000)
	<u>\$94,000</u>
TOTAL APPROPRIATION	(\$873,000)
	<u>\$1,820,000</u>

Sec. 403. 2017 c 313 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax distributions to cities and counties ~~(\$514,648,000)~~
\$508,182,000

Sec. 404. 2017 c 313 s 406 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation:
 For motor vehicle fuel tax refunds and statutory transfers. ~~(\$2,196,693,000)~~
\$2,145,972,000

Sec. 405. 2017 c 313 s 407 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation:
 For motor vehicle fuel tax refunds and transfers ~~(\$200,747,000)~~
\$203,535,000

Sec. 406. 2017 c 313 s 408 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

- (1) ~~((State Patrol Highway Account—State Appropriation: For transfer to the Connecting Washington Account—State. \$21,221,000))~~
Highway Safety Account—State Appropriation: For transfer to the Motor Vehicle Account—State. \$30,000,000
- (2) Transportation Partnership Account—State Appropriation: For transfer to the Connecting Washington Account—State. \$10,946,000
- (3) ~~((Highway Safety Account—State Appropriation: For transfer to the Multimodal Transportation Account—State \$57,000,000~~
- ~~(4))~~ (4) Motor Vehicle Account—State Appropriation: For transfer to the Connecting Washington Account—State. \$56,464,000
- ~~((5))~~ (4) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State. \$8,511,000
- ~~((6))~~ (5) Motor Vehicle Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State \$20,000,000
- ~~((7))~~ (6) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State. \$4,844,000
- ~~((8))~~ (7) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State. \$9,688,000
- ~~((9) Motor Vehicle Account—State Appropriation: For transfer to the State Patrol Highway Account—State. \$43,000,000))~~
- (8) Highway Safety Account—State Appropriation: For

transfer to the State Patrol Highway Account—State \$33,000,000

~~((10))~~ (9) Puget Sound Ferry Operations Account—State

Appropriation: For transfer to the Connecting

Washington Account—State \$1,305,000

~~((11))~~ (10) Rural Mobility Grant Program Account—State

Appropriation: For transfer to the Multimodal

Transportation Account—State \$3,000,000

~~((12))~~ (11) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to

the State Route Number 520 Corridor

Account—State ~~(\$1,240,000)~~

\$2,000,000

~~((13))~~ (12) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Connecting

Washington Account—State \$36,500,000

~~((14))~~ (13) Multimodal Transportation Account—State

Appropriation: For transfer to the Freight

Mobility Multimodal Account—State \$8,511,000

~~((15))~~ (14) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State ~~(\$32,000,000)~~

\$34,000,000

~~((16))~~ (15) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound

Ferry Operations Account—State \$20,000,000

~~((17))~~ (16) Multimodal Transportation Account—State

Appropriation: For transfer to the Regional

Mobility Grant Program Account—State \$27,679,000

~~((18))~~ (17) Multimodal Transportation Account—State

Appropriation: For transfer to the Rural

Mobility Grant Program Account—State \$15,223,000

~~((19))~~ (18) Tacoma Narrows Toll Bridge Account—State

Appropriation: For transfer to the Motor

Vehicle Account—State \$950,000

~~((20))~~ (19) Transportation 2003 Account (Nickel Account)—

State Appropriation: For transfer to the Connecting

Washington Account—State \$22,970,000

~~((21))~~ (20)(a) Interstate 405 Express Toll Lanes Operations

Account—State Appropriation: For transfer to the

Motor Vehicle Account—State \$2,019,000

(b) The transfer identified in this subsection is provided solely to repay in full the motor vehicle account—state appropriation loan from section 407(19), chapter 222, Laws of 2014.

~~((22))~~ (21)(a) Transportation Partnership Account—State

Appropriation: For transfer to the Alaskan Way Viaduct

Replacement Project Account—State ~~(\$122,046,000)~~

\$122,047,000

(b) The amount transferred in this subsection represents that portion of the up to \$200,000,000 in proceeds from the sale of bonds authorized in RCW

47.10.873, intended to be sold through the 2021-2023 fiscal biennium, used only for construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z), and that must be repaid from the Alaskan Way viaduct replacement project account consistent with RCW 47.56.864.

~~((23))~~ (22)(a) Motor Vehicle Account—State
Appropriation: For transfer to the Tacoma Narrows Toll
Bridge Account—State \$5,000,000

(b) The transfer in this subsection must be made in April 2019. It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases, and an equivalent reimbursing transfer is to occur in November 2019.

~~((24))~~ (23) Motor Vehicle Account—State
Appropriation: For transfer to the County Arterial
Preservation Account—State \$4,844,000

~~((25))~~ (24)(a) General Fund Account—State Appropriation:
For transfer to the State Patrol Highway
Account—State \$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(6) of this act.

~~((26))~~ (25)(a) Motor Vehicle Account—State Appropriation:
For transfer to the Alaskan Way Viaduct Replacement
Project Account—State ~~(\$6,506,000)~~
\$11,337,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when the portion of state route number 99 that is a deep bore tunnel is operational.

(26) Multimodal Transportation Account—State
Appropriation: For transfer to the Highway Safety
Account—State \$7,000,000

(27)(a) Alaskan Way Viaduct Replacement Project
Account—State Appropriation: For transfer to the
Transportation Partnership Account—State \$2,400,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement Project (809936Z).

COMPENSATION

Sec. 501. 2017 3rd sp.s. c 1 s 726 (uncodified) is amended to read as follows:

TRANSPORTATION—WASHINGTON FEDERATION OF STATE EMPLOYEES

(Motor Vehicle Account—State Appropriation	\$18,443,000
State Patrol Highway Account—State Appropriation	\$1,199,000
State Patrol Highway Account—Federal Appropriation	\$22,000
Puget Sound Ferry Operations Account—State Appropriation	\$73,000
Highway Safety Account—State Appropriation	\$2,613,000
Motorecycle Safety Education Account—State Appropriation	\$37,000
State Wildlife Account—State Appropriation	\$14,000

Ignition Interlock Device Revolving Account—State	
Appropriation.....	\$5,000
Department of Licensing Services Account—State	
Appropriation.....	\$102,000
Aeronautics Account—State Appropriation.....	\$3,000
Interstate 405 Express Toll Lanes Operations Account—State	
Appropriation.....	\$27,000
State Route Number 520 Corridor Account—State	
Appropriation.....	\$51,000
State Route Number 520 Civil Penalties Account—State	
Appropriation.....	\$16,000
Multimodal Transportation Account—State Appropriation.....	\$40,000
Tacoma Narrows Toll Bridge Account—State Appropriation.....	\$22,000
TOTAL APPROPRIATION.....	\$22,667,000

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

(1) An agreement has been reached between the governor and the Washington federation of state employees general government under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of ((Senate Bill No. 5969)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section 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. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713—2017F)) this act to fund the provisions of this agreement.

Sec. 502. 2017 3rd sp.s. c 1 s 727 (uncodified) is amended to read as follows:

TRANSPORTATION—WPEA GENERAL GOVERNMENT

((Motor Vehicle Account—State Appropriation.....	\$60,000
State Patrol Highway Account—State Appropriation.....	\$862,000
State Patrol Highway Account—Federal Appropriation.....	\$36,000
TOTAL APPROPRIATION.....	\$958,000

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

(1) An agreement has been reached between the governor and the Washington public employees association general government under the

provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of ~~((Senate Bill No. 5969))~~ chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ~~((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))~~

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section 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. Appropriations for state agencies are increased by the amounts specified in ~~((LEAP Transportation Document 713—2017F))~~ this act to fund the provisions of this agreement.

Sec. 503. 2017 3rd sp.s. c 1 s 728 (uncodified) is amended to read as follows:

TRANSPORTATION—COLLECTIVE BARGAINING AGREEMENTS—PTE LOCAL 17

((State Patrol Highway Account—State Appropriation	\$3,849,000
State Patrol Highway Account—Federal Appropriation	\$399,000
State Patrol Highway Account—Private/Local Appropriation	\$129,000
Motor Vehicle Account—State Appropriation	\$2,659,000
Highway Safety Account—State Appropriation	\$2,462,000
Aeronautics Account—State Appropriation	\$12,000
Puget Sound Ferry Operations Account—State	
Appropriation	\$26,000
State Route Number 520 Corridor Account—State	
Appropriation	\$86,000
State Route Number 520 Civil Penalties Account—State	
Appropriation	\$4,000
Multimodal Transportation Account—State Appropriation	\$43,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$62,000
Motorecycle Safety Education Account—State Appropriation	\$10,000
TOTAL APPROPRIATION	\$9,741,000

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

(1) An agreement has been reached between the governor and the professional and technical employees local 17 under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation

leave accruals. Funding is contingent upon the enactment of (~~Senate Bill No. 5969~~) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). (~~If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.~~)

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section 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. Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713—2017T~~) this act to fund the provisions of this agreement.

Sec. 504. 2017 3rd sp.s. c 1 s 729 (uncodified) is amended to read as follows:

TRANSPORTATION—THE COALITION OF UNIONS AGREEMENT

State Patrol Highway Account—State Appropriation	\$309,000
State Patrol Highway Account—Federal Appropriation	\$44,000
TOTAL APPROPRIATION	\$353,000

The appropriation in this section is subject to the following conditions and limitations:))

(1) An agreement has been reached between the governor and the coalition of unions under the provisions of chapter 41.80 RCW for the 2017-2019 fiscal biennium. Funding is provided for a two percent general wage increase effective July 1, 2017, a two percent general wage increase effective July 1, 2018, and a two percent general wage increase effective January 1, 2019. The agreement also includes and funding is provided for salary adjustments for targeted job classifications and increases to vacation leave accruals. Funding is contingent upon the enactment of (~~Senate Bill No. 5969~~) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). (~~If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.~~)

(2) Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section 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. Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713—2017T~~) this act to fund the provisions of this agreement.

Sec. 505. 2017 3rd sp.s. c 1 s 730 (uncodified) is amended to read as follows:

TRANSPORTATION—GENERAL WAGE INCREASE—STATE EMPLOYEES

(Motor Vehicle Account—State Appropriation	\$5,163,000
State Patrol Highway Account—State Appropriation	\$812,000

State Patrol Highway Account—Federal Appropriation	\$8,000
State Patrol Highway Account—Private/Local Appropriation.....	\$1,000
Puget Sound Ferry Operations Account—State Appropriation	\$460,000
Highway Safety Account—State Appropriation	\$655,000
Highway Safety Account—Federal Appropriation	\$119,000
Motorecycle Safety Education Account—State Appropriation	\$12,000
State Wildlife Account—State Appropriation	\$8,000
Department of Licensing Services Account—State Appropriation.....	\$21,000
Aeronautics Account—State Appropriation.....	\$53,000
State Route Number 520 Corridor Account—State Appropriation.....	\$102,000
Multimodal Transportation Account—State Appropriation.....	\$302,000
Rural Arterial Trust Account—State Appropriation.....	\$32,000
County Arterial Preservation Account—State Appropriation	\$33,000
Transportation Improvement Account—State Appropriation	\$84,000
TOTAL APPROPRIATION	\$7,865,000

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

(1) Funding is provided for state agency employee compensation for employees funded in the 2017-2019 omnibus transportation appropriations act 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. Funding is contingent upon the enactment of ((Senate Bill No. 5969)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse:))

(2) Funding is provided for a two percent general wage increase effective July 1, 2017, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2017, 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 two percent general wage increase effective July 1, 2018, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2018, 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 two percent general wage increase effective January 1, 2019, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective

January 1, 2019, 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.

(5) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713—2017T~~) this act to fund the provisions of this section.

Sec. 506. 2017 3rd sp.s. c 1 s 731 (uncodified) is amended to read as follows:

TRANSPORTATION—TARGETED COMPENSATION INCREASES—NONREPRESENTED JOB CLASS SPECIFIC

(Motor Vehicle Account—State Appropriation .....	.....\$629,000
Puget Sound Ferry Operations Account—State Appropriation .....	.....\$14,000
Transportation Improvement Account—State Appropriation .....	.....\$90,000
County Arterial Preservation Account—State Appropriation .....	.....\$16,000
State Route Number 520 Corridor Account—State	
Appropriation.....	.....\$16,000
TOTAL APPROPRIATION.....	.....\$765,000

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

(1) Funding is provided for salary adjustments for targeted job classifications for employees funded in the 2017-2019 omnibus transportation appropriations act, as specified by the office of financial management, of classified state employees, except those represented by a collective bargaining unit under chapters 41.80 and 47.64 RCW and RCW 41.56.473 and 41.56.475. Funding is contingent upon the enactment of (~~Senate Bill No. 5969~~) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). (~~If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.~~)

(2) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713—2017T~~) this act to fund the provisions of this section.

Sec. 507. 2017 3rd sp.s. c 1 s 732 (uncodified) is amended to read as follows:

TRANSPORTATION—ORCA TRANSIT PASSES—WASHINGTON FEDERATION OF STATE EMPLOYEES

(Motor Vehicle Account—State Appropriation .....	.....\$410,000
State Patrol Highway Account—State Appropriation .....	.....\$32,000
Puget Sound Ferry Operations Account—State Appropriation .....	.....\$8,000
Highway Safety Account—State Appropriation .....	.....\$30,000
State Route Number 520 Corridor Account—State Appropriation .....	.....\$8,000
State Route Number 520 Civil Penalties Account—State	
Appropriation.....	.....\$2,000
Tacoma Narrows Toll Bridge Account—State Appropriation .....	.....\$2,000
Interstate 405 Express Toll Lanes Operations Account—State	
Appropriation.....	.....\$6,000
TOTAL APPROPRIATION.....	.....\$498,000

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

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, who are represented by the Washington Federation of State Employees. Funding is contingent upon the enactment of ((Senate Bill No. 5969)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))

(2) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713—2017F)) this act to fund the provisions of this section.

Sec. 508. 2017 3rd sp.s. c 1 s 733 (uncodified) is amended to read as follows:

TRANSPORTATION—ORCA TRANSIT PASSES

(Motor Vehicle Account—State Appropriation .....	.....	\$142,000
State Patrol Highway Account—State Appropriation .....	.....	\$252,000
State Patrol Highway Account—Federal Appropriation .....	.....	\$6,000
State Patrol Highway Account—Local Appropriation .....	.....	\$8,000
Puget Sound Ferry Operations Account—State Appropriation .....	.....	\$1,548,000
Highway Safety Account—State Appropriation .....	.....	\$76,000
State Route Number 520 Corridor Account—State Appropriation .....	.....	\$16,000
Tacoma Narrows Toll Bridge Account—State Appropriation .....	.....	\$4,000
Multimodal Transportation Account—State	Appropriation	\$10,000
TOTAL APPROPRIATION .....	.....	\$2,062,000

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

(1) Funding is provided for transit passes for state employees outside of higher education who work in King County, and who are not covered by a collective bargaining agreement. Funding is contingent upon the enactment of ((Senate Bill No. 5969)) chapter 23, Laws of 2017 3rd sp. sess. (transparency in public employee collective bargaining). ((If the bill is not enacted by July 31, 2017, the appropriation in this section shall lapse.))

(2) Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713—2017F)) this act to fund the provisions of this section.

Sec. 509. 2017 3rd sp.s. c 1 s 735 (uncodified) is amended to read as follows:

TRANSPORTATION—COMPENSATION—REPRESENTED EMPLOYEES—INSURANCE BENEFITS

(Aeronautics Account—State Appropriation .....	.....	\$3,000
State Patrol Highway Account—State Appropriation .....	.....	\$711,000
State Patrol Highway Account—Federal Appropriation .....	.....	\$38,000
State Patrol Highway Account—Private/Local Appropriation .....	.....	\$15,000
Motoreycle Safety Education Account—State Appropriation .....	.....	\$7,000
State Wildlife Account—State Appropriation .....	.....	\$4,000
Highway Safety Account—State Appropriation .....	.....	\$821,000
Motor Vehicle Account—State Appropriation .....	.....	\$2,955,000

Puget Sound Ferry Operations Account—State Appropriation	\$1,872,000
Ignition Interlock Device Revolving Account—State Appropriation.....	\$1,000
State Route Number 520 Corridor Account—State Appropriation	\$20,000
State Route Number 520 Civil Penalties Account—State Appropriation.....	\$4,000
Department of Licensing Services Account—State Appropriation	\$18,000
Multimodal Transportation Account—State Appropriation.....	\$18,000
Tacoma Narrows Toll Bridge Account—State Appropriation.....	\$9,000
I-405 Express Toll Lanes Operations Account—State Appropriation.....	\$8,000
TOTAL APPROPRIATION.....	\$6,504,000

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

Collective bargaining agreements were reached for the 2017-2019 fiscal biennium between the governor and the employee representatives under the provisions of chapters 41.80 and 41.56 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2017-2019 collective bargaining agreements and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate must not exceed \$957 per eligible employee.

(b) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board must 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 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 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.

(c) The health care authority must deposit any moneys received on behalf of the uniform 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 public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must 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 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713—2017F~~) this act to fund the provisions of this agreement.

Sec. 510. 2017 3rd sp.s. c 1 s 736 (uncodified) is amended to read as follows:

TRANSPORTATION—COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS

(Aeronautics Account—State Appropriation	\$9,000
State Patrol Highway Account—State Appropriation	\$1,414,000
State Patrol Highway Account—Federal Appropriation	\$14,000
Motorcycle Safety Education Account—State Appropriation	\$2,000
Rural Arterial Trust Account—State Appropriation	\$4,000
State Wildlife Account—State Appropriation	\$1,000
Highway Safety Account—State Appropriation	\$111,000
Highway Safety Account—Federal Appropriation	\$20,000
Motor Vehicle Account—State Appropriation	\$781,000
Puget Sound Ferry Operations Account—State Appropriation	\$68,000
Transportation Improvement Account—State Appropriation	\$12,000
State Route Number 520 Corridor Account—State Appropriation	\$16,000
County Arterial Preservation Account—State Appropriation	\$4,000
Department of Licensing Services Account—State Appropriation	\$3,000
Multimodal Transportation Account—State Appropriation	\$45,000
TOTAL APPROPRIATION	\$2,504,000

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

(1) Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate must not exceed \$957 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any 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 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 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.

(c) The health care authority must deposit any moneys received on behalf of the uniform 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 public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must 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 2018 and 2019, the subsidy must be up to \$150.00 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150.00 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2017, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium.

(4) Appropriations for state agencies are increased by the amounts specified in (~~LEAP Transportation Document 713 — 2017T~~) this act to fund the provisions of this agreement.

IMPLEMENTING PROVISIONS

Sec. 601. 2017 c 313 s 601 (uncodified) is amended to read as follows:

FUND TRANSFERS

(1) The 2005 transportation partnership projects or improvements and 2015 connecting Washington projects or improvements are listed in the LEAP Transportation Document (~~(2017-4)~~) 2018-1 as developed (~~(April 20, 2017)~~) March 5, 2018, which consists of a list of specific projects by fund source and amount over a sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a sixteen-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and connecting Washington account projects on the LEAP transportation document referenced in this subsection. For the 2017-2019 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects

funded with transportation partnership account appropriations or connecting Washington account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers may not be made while the legislature is in session;

(f) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(g) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2018 supplemental omnibus transportation appropriations act, any unexpended 2015-2017 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects; and

(h) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount does not exceed two hundred fifty thousand dollars or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(5) No fewer than ten days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section.

Sec. 602. 2017 c 313 s 606 (uncodified) is amended to read as follows:

(1) By November 15, 2017, and annually thereafter, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((2017-2)) 2018-2 ALL PROJECTS as developed ((April 20, 2017)) March 5, 2018. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

MISCELLANEOUS 2017-2019 FISCAL BIENNIUM

Sec. 701. RCW 88.16.061 and 2008 c 128 s 17 are each amended to read as follows:

The account in the general fund designated in RCW 43.79.330(17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account".

The pilotage account is hereby redesignated as a nonappropriated account, and is therefore created in the custody of the state treasurer. All receipts designated, credited, or transferred to the pilotage account must be deposited into the account. Expenditures from the account may be used only for the purposes of the board of pilotage commissioners as prescribed under this chapter. Only the board or the board's designee may authorize expenditures from the account, except that during the 2017-2019 fiscal biennium an amount up to \$50,000 may be expended by the utilities and transportation commission for the development of a marine pilotage tariff rate-setting process and associated rate-setting. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 702.** A new section is added to 2017 c 313 (uncodified) to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS

(1) The department of transportation is authorized, (1) subject to the conditions in section 305(3) of this act, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Department of transportation: Enter into a financing contract for up to \$32,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the existing office building at 15700 Dayton Ave N, Shoreline.

NEW SECTION. **Sec. 703.** 2017 c 288 s 5 (uncodified) is repealed.

MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the Senate March 8, 2018.

Passed by the House March 7, 2018.

Approved by the Governor March 27, 2018, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State March 29, 2018.

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

"I am returning herewith, without my approval as to Sections 208(19), 207(8), 208(1), 208(22), 208(25), 208(26), 208(28), 208(29), 208(30), and 212(3), Engrossed Substitute Senate Bill No. 6106 entitled:

"AN ACT Relating to transportation funding and appropriations."

Section 208(19), Pages 23-24, Department of Licensing, Licensing Services Workgroup

Section 208(19) directs the department to convene a workgroup comprised of a county auditor, county licensing manager, and three subagent representatives to assess the current licensing services system and the establishment of a new licensing services partnership committee. The workgroup must consider and make recommendations on expanding services offered by subagents, establishing voluntary payment plans and automatic renewal options, and reviewing the current financial environment of subagents and county auditors. The department already has a specific licensing committee that meets twice a year. It also meets twice a year with the Washington Association of Vehicle Subagents. In addition, the proviso did not provide funding for this workgroup. While I encourage looking at ways to improve services to the public, this workgroup provides a forum for communication that already exists and funding is not provided to support the workgroup. For these reasons, I have vetoed Section 208(19).

I am vetoing the following sections related to bills that did not pass the legislature resulting in the lapse of funding. My veto of these sections will serve to clean up these unnecessary sections of the bill.

Section 207(8), page 18, Washington State Patrol, SHB 2278, Privacy Protections in Government

Section 208(1), pages 19-20, Department of Licensing, EHB 2201 or ESSB 5955, MVET Collection

Section 208(22), page 25, Department of Licensing, SHB 2278, Privacy Protections

Section 208(25), page 25, Department of Licensing, HB 2653 Alternative Fuel Vehicle Exemption, or SB 6080, Electrification of Transportation

Section 208(26), page 25, Department of Licensing, SHB 2975, Snow Bikes

Section 208(28), page 26, Department of Licensing, SSB 6009, Issuance of Personalized Collector Vehicle License Plates

Section 208(29), page 26, Department of Licensing, SSB 6107, Electric Motorcycle Registration Renewal Fees

Section 208(30), page 26, Department of Licensing, 2SSB 6189, Suspended or Revoked Driver's License Provisions

Section 212(3), page 35, Department of Transportation—Aviation, ESHB 2295, Electric Aircraft

For these reasons I have vetoed Sections 208(19), 207(8), 208(1), 208(22), 208(25), 208(26), 208(28), 208(29), 208(30), and 212(3) of Engrossed Substitute Senate Bill No. 6106.

With the exception of Sections 208(19), 207(8), 208(1), 208(22), 208(25), 208(26), 208(28), 208(29), 208(30), and 212(3), Engrossed Substitute Senate Bill No. 6106 is approved."

CHAPTER 298

[Engrossed Substitute Senate Bill 6095]
CAPITAL BUDGET--SUPPLEMENTAL

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 79.17.210, 43.88D.010, 28B.77.070, and 43.17.200; amending 2018 c 2 ss 1005, 1006, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1025, 1011, 1026, 1027, 1031, 1032, 1040, 1041, 1042, 1043, 1045, 1049, 1036, 1050, 1051, 1052, 2001, 2002, 2006, 2008, 2009, 2012, 2013, 2014, 2021, 2024, 2025, 2026, 2031, 2042, 2046, 2047, 2054, 3010, 3021, 3015, 3018, 3025, 3027, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3044, 3045, 3046, 3047, 3048, 3049, 3051, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3067, 3068, 3075, 3091, 3092, 3107, 3119, 3122, 3123, 3132, 3135, 4001, 4002, 5002, 5006, 5007, 5008, 5010, 5009, 5015, 5016, 5021, 5051, 5053, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5070, 5071, 5072, 5073, 5075, 7001, 7002, 7022, 7007, 7017, 7024, 7026, and 7028 (uncodified); amending 2017 3rd sp.s. c 4 ss 1003, 1021, 1048, 3072, 5011, 5016, 5048, and 5076 (uncodified); amending 2016 sp.s. c 35 s 1012; adding new sections to 2018 c 2 (uncodified); creating a new section; repealing 2018 c 2 ss 1030, 1033, and 2030 (uncodified); repealing 2018 c ... (SHB 1656) s 13 (uncodified); making appropriations; providing a contingent effective date; and declaring an emergency.

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

NEW SECTION. Sec. 1. A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2019, out of the several funds specified in this act.

**PART 1
GENERAL GOVERNMENT**

Sec. 1001. 2018 c 2 s 1005 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board (30000097)	
Appropriation:	
<u>State Taxable Building Construction</u>	
Account—State	\$5,000,000
Public Facility Construction Loan Revolving	
Account—State	\$8,020,000
<u>Subtotal Appropriation</u>	<u>\$13,020,000</u>
Prior Biennia (Expenditures)	\$5,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$13,020,000)
	<u>\$18,020,000</u>

Sec. 1002. 2018 c 2 s 1006 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE

2017-19 Housing Trust Fund Program (30000872)

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

(1) \$58,000,000 of the state taxable building construction account—state appropriation, (~~(\$43,400,000)~~) \$44,131,000 of the state building construction account—state appropriation, and (~~(\$5,370,000)~~) \$8,658,000 of the Washington housing trust account—state appropriation are provided solely for affordable housing and preservation of affordable housing. Of the amounts in this subsection:

(a) \$24,370,000 is provided solely for housing projects that provide supportive housing and case-management services to persons with chronic mental illness. The department must prioritize low-income supportive housing unit proposals that provide services or include a partner community behavioral health treatment provider;

(b) \$10,000,000 is provided solely for housing preservation grants or loans to be awarded competitively. The grants may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require that a capital needs assessment is performed to estimate the cost of the preservation project at contract execution. Funds may not be used to add or expand the capacity of the property. To receive grants, housing projects must meet the following requirements:

- (i) The property is more than fifteen years old;
- (ii) At least 50 percent of the housing units are occupied by families and individuals at or below 30 percent area median income.
- (iii) The improvements will result in reduction of operating or utilities costs, or both; and
- (iv) Other criteria that the department considers necessary to achieve the purpose of this program.

(c) \$5,000,000 is provided solely for housing projects that benefit people at or below 80 percent of the area median income who have been displaced by a natural disaster declared by the governor, including people who have been displaced within the last two biennia.

(d) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for the department to work with the communities of concern commission to focus on creating capital assets that will help reduce poverty and build stronger and more sustainable communities using the communities' cultural understanding and vision. The funding must be used for predevelopment costs for capital projects identified by the commission and for other activities to assist communities in developing capacity to create community-owned capital assets.

(e) \$1,000,000 of the Washington housing trust account—state appropriation is provided solely for a nonprofit, public development authority, local government, or housing authority to purchase the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street owned by the state board of community and technical colleges. The property must be used to provide services and housing for homeless youth and young adults.

(f) (~~(\$21,987,000)~~) \$26,006,000 is provided solely for the following list of housing projects:

- (i) Cross Laminated Timber Spokane Housing Predesign. \$500,000

- (ii) El Centro de la Raza\$737,000
- (iii) Highland Village Preservation \$1,500,000
- (iv) King County Modular Housing Project(~~(\$3,000,000)~~)
\$1,500,000
- (v) Nisqually Tribal Housing..... \$1,250,000
- (vi) Othello Homesight Community Center \$3,000,000
- (vii) Parkview Apartments Affordable Housing \$100,000
- (viii) Supported Housing and Employment (Longview).....\$129,000
- (ix) \$2,500,000 is provided solely for grants to purchase low-income mobile

home parks. Up to \$2,500,000 is for the Firs Mobile Home Park. If the Firs Mobile Home Park is not purchased, the amount provided in this subsection shall lapse.

(x) \$6,000,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing, and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development cost per housing unit of less than \$125,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a twenty-five year period. Amounts provided that are subject to this subsection must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection. \$500,000 of the appropriation for housing units in Shelton can be released for purchase of land, planning, or predesign services before the project is fully funded. \$500,000 of the appropriation for housing units in Orting can be released for purchase of land, planning, or predesign services before the project is fully funded.

~~((viii) \$6,000,000)) (xi) \$7,290,000~~ is provided solely for grants to the following organizations using innovative methods to address homelessness: ~~(((\$3,000,000)) \$4,290,000~~ for THA Arlington drive youth campus in Tacoma and \$3,000,000 for a King county housing project.

(xii) \$1,500,000 is provided solely for Valley Cities modular housing project in Auburn.

(g) Of the amounts appropriated remaining after (a) through (f) of this subsection, the department must allocate the funds as follows:

- (i) 10 percent is provided solely for housing projects that benefit veterans;
- (ii) 10 percent is provided solely for housing projects that benefit homeownership;
- (iii) 5 percent is provided solely for housing projects that benefit people with developmental disabilities;

(iv) The remaining amount is provided solely for projects that serve low-income and special needs populations in need of housing, including, but not limited to, homeless families with children, homeless youth, farmworkers, and seniors.

(2) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

(3) The department must strive to allocate all of the amounts appropriated in this section within the 2017-2019 fiscal biennium in the manner prescribed in subsection (1) of this section. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

Appropriation:

State Building Construction Account—State	(\$43,400,000)
	<u>\$44,131,000</u>
State Taxable Building Construction Account—State	\$58,000,000
Washington Housing Trust Account—State	(\$5,370,000)
	<u>\$8,658,000</u>
Subtotal Appropriation	(\$106,770,000)
	<u>\$110,789,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL	(\$506,770,000)
	<u>\$510,789,000</u>

Sec. 1003. 2017 3rd sp.s. c 4 s 1003 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions in section 131, chapter 488, Laws of 2005.

(2) \$235,000 of the reappropriation is provided solely to the Spokane river forum. The department shall not execute a contract with the grant recipient unless the Spokane river forum is in receipt of all permits by ~~((March))~~ June 1, 2018. If the terms and conditions of this subsection are not met by ~~((March))~~ June 1, 2018, the funding provided in this subsection shall lapse.

Reappropriation:

State Building Construction Account—State	\$235,000
Prior Biennia (Expenditures)	\$45,657,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,892,000

Sec. 1004. 2018 c 2 s 1016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2018 Local and Community Projects (40000005)

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

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly

committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Aberdeen Gateway Center (Aberdeen)	\$1,750,000
Adams County Industrial Wastewater and Treatment Center (Othello)	\$1,250,000
Adna Elementary Playshed (Chehalis)	\$104,000
Airway Heights Recreation Complex (Airway Heights)	\$515,000
Alder Creek Pioneer Museum Expansion (Bickelton)	\$500,000
Anderson Island Historical Society (Anderson Island)	\$26,000
Appleway Trail Amenities (Spokane Valley)	\$556,000
ARC Community Center Renovation (Bremerton)	\$81,000
Arlington Pocket Park Downtown Business District (Arlington)	\$46,000
Asia Pacific Cultural Center <u>Design and Preconstruction</u> (Tacoma)	\$250,000
Belfair Sewer Extension to Puget Sound Industrial Ctr (Belfair)	\$515,000
Billy Frank Jr. Heritage Center (Olympia)	\$206,000
Bloodworks NW Bloodmobiles	\$425,000
Bothell Parks Projects (Bothell)	\$309,000
Bridgeview Education and Employment Resource Center (Vancouver)	\$500,000
Brier ADA Ramp Updates Phase (Brier)	\$115,000
Camp Schechter New Infrastructure and Dining Hall	

(Tumwater)	\$200,000
Capitol Campus E. WA Butte (Olympia)	\$52,000
Captain Joseph House (Port Angeles)	\$225,000
Carnation Central Business District Revitalization	
(Carnation)	\$1,545,000
Castle Rock Fair LED Lighting (Castle Rock)	\$10,000
Centennial Trail - Southern Extension #1 (Snohomish)	\$1,000,000
Centerville Grange Renovation (Centerville)	\$134,000
Centralia Fox Theatre Restoration (Centralia)	\$299,000
Chamber Economic Development Project (Federal Way)	\$250,000
Chelan County Emergency Operations Center (Wenatchee) . . .	\$1,000,000
Chelatchie Prairie Railroad Maintenance Bldg.	
Phase 2 (Yacolt)	\$250,000
Cherry St. Fellowship (Seattle)	\$360,000
Children's Playgarden (Seattle)	\$315,000
Chimacum Ridge Forest Pilot (Port Townsend)	\$3,400,000
City of Brewster Manganese Abatement (Brewster)	\$752,000
Cityview Conversion to Residential Treatment	
(Moses Lake)	\$250,000
Clark County Historical Museum (Vancouver)	\$300,000
Clymer Museum and Gallery Remodel (Ellensburg)	\$258,000
Coastal Harvest Roof Replacement (Hoquiam)	\$206,000
Cocoon House (Everett)	\$1,000,000
College Place Well Consolidation and Replacement	
(College Place)	\$900,000
Columbia River Trail (Washougal)	\$1,000,000
Confluence Park Improvements (P2&3) (Issaquah)	\$206,000
((Coordinated and Safe Service Center (Redmond)	\$309,000))
Country Doctor Community Health Centers (Seattle)	\$280,000
Covington Town Center Civic Plaza Development	
(Covington)	\$820,000
Cross Park (Puyallup)	\$1,500,000
Daffodil Heritage Float Barn (Puyallup)	\$103,000
Darrington Rodeo Grounds (Darrington)	\$250,000
Des Moines Marina Bulkhead & Fishing Pier Renovation	
(Des Moines)	\$2,000,000
Disaster Response Communications Project (Colville)	\$1,000,000
District 5 Public Safety Center (Sultan)	\$1,500,000
Downtown Pocket Park at Rockwell (Port Orchard)	\$309,000
DuPont Historical Museum Renovation HVAC (DuPont)	\$53,000
East Grays Harbor Fiber Project (Elma)	\$463,000
East Hill YMCA/Park Renovation (Kent)	\$1,000,000
Eastside Community Center (Tacoma)	\$2,550,000
Ebey Waterfront Trail and Shoreline Access	
(Marysville)	\$1,000,000
Emmanuel Life Center Kitchen (Spokane)	\$155,000
Ethiopian Community Affordable Senior Housing (Seattle)	\$400,000
Evergreen Pool Resurfacing (White Center)	\$247,000
Fall City Wastewater Infrastructure Planning & Design	

(Fall City)	\$1,000,000
Family Medicine Remodel (Goldendale)	\$195,000
Federal Way Camera Replacement (Federal Way)	\$250,000
Federal Way Senior Center (Federal Way)	\$175,000
Flood Protection Wall & Storage Building (Sultan)	\$286,000
Food Lifeline Food Bank	\$1,250,000
Forestry Museum Building (Tenino)	\$16,000
Fox Island Catastrophic Emergency Preparation (Fox Island)	\$17,000
Francis Anderson Center Roofing Project (Edmonds)	\$391,000
Freeland Water and Sewer District Sewer Project (Freeland)	\$1,500,000
FUSION Transitional Hse Pgm/FUSION Decor Boutique (Federal Way)	\$500,000
Gig Harbor Sports Complex (Gig Harbor)	\$206,000
Granger Historical Society Museum Acquisition (Granger)	\$255,000
Greater Maple Valley Veterans Memorial Foundation (Maple Valley)	\$258,000
GreenBridge/4th Ave Streetscaping (White Center)	\$1,195,000
Harmony Sports Complex Infrastructure & Safety Imprve (Vancouver)	\$1,177,000
Harrington School District #204, Pool Renovation (Harrington)	\$97,000
Historic Mukai Farm and Garden Restoration (Vashon)	\$250,000
Holly Ridge Center Building (Bremerton)	\$475,000
Honor Point Military and Aerospace Museum (Spokane)	\$100,000
HopeWorks TOD Center (Everett)	\$2,760,000
Hoquiam Library (Hoquiam)	\$250,000
HUB Sports Center (Liberty Lake)	\$516,000
Industrial Park No. 5 Road Improvements (George)	\$412,000
Industrial Park No. 5 Water System Improvements (George)	\$700,000
Inland Northwest Rail Museum (Reardan)	\$170,000
Innovative Health Care Learning Center (Yakima)	\$1,000,000
Interbay PDAC (Seattle)	\$900,000
Intrepid Spirit Center (Tacoma)	\$1,000,000
Islandwood Comm Dining Hall and Kitchen (Bainbridge Island)	\$200,000
((Japanese Gulch Creek Restoration Project (Mukilteo)	\$721,000))
Kenmore Public Boathouse (Kenmore)	\$250,000
Key Peninsula Civic Center Generator (Vaughn)	\$60,000
Key Peninsula Elder Community (Lakebay)	\$515,000
Kitchen Upgrade Belfair Senior Center Meals on Wheels (Belfair)	\$12,000
Kitsap Reg. Library Foundation, Silverdale Library (Silverdale)	\$250,000
Kona Kai Coffee Training Center (Tukwila)	\$407,000
La Conner New Regional Library (La Conner)	\$500,000

Lacey Boys and Girls Club (Lacey)	\$30,000
Lake Chelan Community Hospital & Clinic Replacement (Chelan)	\$300,000
Lake City Comm Center, Renovate Magnuson Comm Center (Seattle)	\$2,000,000
Lake Stevens Civic Center (Lake Stevens)	\$3,100,000
Lake Stevens Food Bank (Lake Stevens)	\$300,000
Lake Sylvia State Park Legacy Pavilion (Montesano)	\$696,000
Lake Tye All-Weather Fields (Monroe)	\$800,000
Lakewood Playhouse Lighting System Upgrade (Lakewood)	\$60,000
Lambert House Purchase (Seattle)	\$500,000
Larson Playfield Lighting Renovation (Moses Lake)	\$146,000
Lewis Co Fire Dist #1 Emergency Svcs Bldg & Resrce Ctr (Onalaska)	\$80,000
LIGO STEM Exploration Center (Richland)	\$411,000
Longbranch Marina (Longbranch)	\$248,000
Longview Police Department Range and Training (Castle Rock)	\$271,000
Lyon Creek, SR 104 Fish Barrier Removal (Lake Forest Park)	\$1,200,000
Maury Island Open Space Remediation (Maury Island)	\$2,000,000
McChord Airfield North Clear Zone (Lakewood)	\$2,000,000
Mill Creek Flood Control Project (Kent)	\$2,000,000
Millionair Club Charity Kitchen (Seattle)	\$167,000
Moorlands Park Improvements (Kenmore)	\$250,000
Morrow Manor (Poulsbo)	\$773,000
Mount Baker Properties Cleanup Site (Seattle)	\$1,100,000
Mount Rainier Early Warning System (Pierce County)	\$1,751,000
Mukilteo Tank Farm Remediation (Mukilteo)	\$257,000
Multicultural Community Center (Seattle)	\$1,300,000
NE Snohomish County Community Services Campus (Granite Falls)	\$375,000
NeighborCare Health (Vashon)	\$3,000,000
New Fire Station at Lake Lawrence (Yelm)	\$252,000
North Cove Erosion Control (South Bend)	\$650,000
Northshore Athletic Fields (Woodinville)	\$400,000
Northwest Improvement Company Building (Roslyn)	\$1,000,000
Olmstead-Smith Historical Gardens Replacement Well (Ellensburg)	\$17,000
Orting's Pedestrian Evacuation Crossing SR162 (Orting)	\$500,000
Othello Regional Water Project (Othello)	\$1,000,000
Paradise Point Water Supply System Phase IV (Ridgefield)	\$500,000
Pepin Creek Realignment (Lynden)	\$3,035,000
Performing Arts & Events Center (Federal Way)	\$1,000,000
Pioneer Village ADA Accessible Pathways (Ferndale)	\$154,000
((Ponders Wells Treatment Replacement (Lakewood)	\$500,000))
Port Ilwaco/Port Chinook Marina Mtce Drdg & Matl Disps (Chinook)	\$77,000

Port Orchard Marina Breakwater Refurbishment (Port Orchard)	\$1,019,000
Poulsbo Outdoor Salmon Observation Area (Poulsbo)	\$475,000
Puyallup Meeker Mansion Public Plaza (Puyallup)	\$500,000
Quincy Square on 4th (Bremerton)	\$250,000
R.A. Long Park (Longview)	\$296,000
Redondo Beach Rocky Reef (Des Moines)	\$500,000
Ridgefield Outdoor Recreation Complex (Ridgefield)	\$750,000
Rochester Boys & Girls Club upgrades (Rochester)	\$26,000
Save the Old Tower (Pasco)	\$300,000
Schilling Road Fire Station (Lyle)	\$448,000
Scott Hill Park (Woodland)	\$750,000
Seattle Aquarium (Seattle)	\$400,000
Seattle Indian Health Board (Seattle)	\$200,000
Seattle Opera (Seattle)	\$465,000
Shelton Basin 3 Sewer Rehabilitation Project (Shelton)	\$1,500,000
Skagit Co Public Safety Emgcy Commun Ctr Exp/Remodel (Mt. Vernon)	\$525,000
Skagit County Veterans Community Park (Sedro-Woolley)	\$500,000
Skagit Valley YMCA (Mt. Vernon)	\$400,000
Snohomish JROTC Program (Snohomish)	\$189,000
South Gorge Trail (Spokane)	\$250,000
South Snohomish County Community Resource Center (Lynnwood)	\$2,210,000
South Thurston County Meals on Wheels Kitchen Upgrade (Yelm)	\$30,000
Southwest WA Agricultural Business Park (Tenino)	\$618,000
Southwest Washington Fair Grange Building Re-Roof (Chehalis)	\$54,000
Spanaway Lake Management Plan (Spanaway)	\$26,000
Squalicum Waterway Maintenance Dredging (Bellingham)	\$750,000
Steilacoom Historical Museum Storage Building (Steilacoom)	\$31,000
Sunnyside Community Hospital (Sunnyside)	\$2,000,000
Sunset Career Center (Renton)	\$412,000
Sunset Neighborhood Park (Renton)	\$3,050,000
Tacoma's Historic Theater District (Tacoma)	\$1,000,000
Tam O'Shanter Athletic Arena (Kelso)	\$1,000,000
Toledo Beautification (Toledo)	\$52,000
Trout Lake School/Community Soccer & Track Facility (Trout Lake)	\$77,000
Tumwater Boys and Girls Club (Olympia)	\$36,000
Turning Pointe Domestic Violence Svc: Shelter Imprv/Rep (Shelton)	\$27,000
Twisp Civic Building (Twisp)	\$750,000
University YMCA (Seattle)	\$600,000
Veterans Memorial Museum (Chehalis)	\$354,000
Washington Agricultural Education Center (Lynden)	(\$1,500,000)
	<u>\$1,800,000</u>

Washington Care Services (Seattle).....	\$400,000
Washington State Horse Park Covered Arena (Cle Elum)	\$2,000,000
Waste Treatment and Sewer Collection System (Toppenish).....	\$1,405,000
Wastewater Collection & Water Distribution Replacemnt (Carbonado)	\$1,500,000
Water Treatment for Kidney Dialysis	\$499,000
Wayne Golf Course Region Park (Bothell)	\$1,000,000
Wesley Homes Bradley Park (Puyallup)	\$1,380,000
Westport Marina (Westport)	\$2,500,000
Weyerhaeuser Land Preservation (Federal Way)	(\$250,000) <u>\$750,000</u>
Whidbey Island Youth Project (Oak Harbor <u>and Coupeville</u>)	\$300,000
White Pass Country Historical Museum (Packwood)	\$283,000
Whitehouse Additional Capital Campaign (Pasco).....	\$1,500,000
Willows Road Regional Trail Connection (Kirkland).....	\$1,442,000
Winlock HS Track (Winlock)	\$103,000
Winlock Industrial Infrastructure Development (Winlock)	\$1,500,000
Wishram School CTE Facility (Wishram).....	\$150,000
Yakima Valley SunDome Repairs (Yakima)	\$206,000
Yelm City Park Playground Modernization (Yelm)	\$247,000
Youth Eastside Services (Bellevue).....	\$26,000
YWCA Family Justice Center (Spokane)	\$103,000

(8) \$26,000 of the appropriation in this section is provided solely for implementation of the Spanaway lake management plan(~~—contingent on commitment of local funding to support the on-going operational costs of the project, including but not limited to the creation of a lake management district~~).

(9) ~~(\$250,000)~~ \$750,000 of the appropriation in this section is provided solely for the planning, development, acquisition, and other activities pursuing open space conservation strategies for the historic Federal Way Weyerhaeuser campus. The grant recipient must be a regional nonprofit nature conservancy that works to conserve keystone properties selected by the city of Federal Way.

(10)(a) \$900,000 of the appropriation in this section is provided solely for an Interbay public development advisory committee. It is the intent of the legislature to examine current and future needs of a state entity that performs an essential public function on state-owned property located in one of the state's designated manufacturing industrial centers. The legislature further intends to explore the potential future uses of this state-owned property in the event that the state entity determines that it must relocate in order to protect its ability to perform its essential public function.

(b) The Interbay public development advisory committee is created to make recommendations regarding the highest public benefit and future economic development uses for the Washington army national guard armory facility in the city of Seattle, pier 91 property, located at the descriptions referred to in the quit claim deeds for two parcels of land, 24.75 acres total, dated January 8, 1971, and December 22, 2009.

(c) The Interbay advisory committee consists of seven persons appointed as follows:

(i) One person appointed by the speaker of the house of representatives;

(ii) One person appointed by the president of the senate; and

(iii) Five persons appointed by the governor, who must collectively have experience in forming public-private partnerships to develop workforce housing or affordable housing; knowledge of project financing options for public-private partnerships related to housing; architectural design and development experience related to industrial lands and mixed-use zoning to include housing; and experience leading public processes to engage communities and other stakeholders in public discussions regarding economic development decisions.

(d) The Interbay public development advisory committee must:

(i) Work in collaboration with the military department to determine the needs of the military department if it is relocated from the land described in subsection (1) of this section, including identifying:

(A) Current uses;

(B) Future needs of the units currently at this location;

(C) Potential suitable publicly owned sites in Washington for relocation of current units; and

(D) The costs associated with acquisition, construction, and relocation to another site or sites for these units;

(ii) Explore the future economic development opportunities if the land described in subsection (1) of this section is vacated by the military department, and make recommendations, including identifying:

(A) Suitable and unsuitable future uses for the land;

(B) Environmental issues and associated costs;

(C) Current public infrastructure availability, future public infrastructure plans by local or regional entities, and potential public infrastructure needs;

(D) Transportation corridors in the immediate area and any potential right-of-way needs; and

(E) Existing zoning regulations for the land and potential future zoning needs to evaluate workforce housing, affordable housing, and other commercial and industrial development compatible with the Ballard-Interbay manufacturing industrial center designation;

(iii) Explore the potential funding sources and partners as well as any needed transactions, and make recommendations, including:

(A) Any potential private partners or investors;

(B) Necessary real estate transactions;

(C) Federal funding opportunities; and

(D) State and local funding sources, including any tax-related programs;

(iv) Conduct at least three public meetings at a location within the Ballard-Interbay manufacturing industrial center, where a quorum of the Interbay public development advisory committee members are present, at which members of the public are invited to present to the Interbay advisory committee regarding the future uses of the site and potential issues such as industrial land use, commercial development, residential zoning, and public infrastructure needs; and

(v) Provide a report to the legislature and office of the governor with recommendations for each area described in this subsection (10)(d) by June 29,

2019. The Interbay advisory committee's recommendations must include recommendations regarding the structure, composition, and scope of authority of any subsequent state public development authority that may be established to implement the recommendations of the Interbay advisory committee created in this section.

(e) The Interbay advisory committee created in this section terminates June 30, 2019.

(f) Nothing in this section authorizes the solicitation of interest or bids for work related to the purposes of this section.

(g) The department of commerce shall provide staff support to the Interbay advisory committee. The department may contract with outside consultants to provide any needed expertise.

(h) Legislative members of the Interbay advisory committee are reimbursed for travel in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) \$2,000,000 of the appropriation in this section is provided solely to the city of Lakewood for the purchase of property within the federally designated north clear zone at joint base Lewis-McChord. Once acquired, the property must be zoned for use compatible with the mission and activity of McChord airfield. The city may lease or resell the acquired property for fair market value, but any such lease or sale must include restrictions or covenants ensuring that the use of the property is safely compatible with the mission and activity of McChord airfield. If the city subsequently resells, rezones, develops, or leases the property for commercial or industrial uses contrary to the allowed uses in the north clear zone, the city must repay to the state the amount spent on the purchase of the property in its entirety within ten years.

(12) \$250,000 of the appropriation in this section is provided solely for a grant to the Federal Way chamber of commerce for two economic development projects focused in the south Puget Sound area. The amounts in this section must be used for a business retention and expansion program to conduct economic research in collaboration with stakeholders, develop data-driven economic strategies, and produce a written evaluation; and a tourism enhancement program to develop and inventory the Federal Way area tourism sector, analyze data regarding visitation, and produce a written evaluation.

(13) \$400,000 of the appropriation in this section is provided solely for the Northshore athletic field which shall be named "Andy Hill Sports Complex."

(14) \$1,177,000 of the appropriation in this section is provided solely for the Harmony sports complex infrastructure and safety improvements in Vancouver and is contingent upon the facility being open to the public.

(15) \$250,000 of the appropriation in this section is provided solely for the Asia Pacific cultural center in Tacoma. ~~((These state funds are contingent on securing at least \$1,000,000 in private funds.))~~ It is the intent of the legislature that beyond the 2017-2019 fiscal biennium no state funding is provided to the Asia Pacific cultural center in Tacoma.

Appropriation:

State Building Construction Account—State~~(\$130,529,000)~~

	<u>\$129,799,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$130,529,000)
	<u>\$129,799,000</u>

Sec. 1005. 2018 c 2 s 1017 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Early Learning Facility Grants (40000006)

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

(1) (~~(\$3,504,000)~~) \$4,504,000 of the early learning facilities development account—state appropriation is provided solely for the following list of early learning facility projects in the following amounts:

Pasco Early Learning Center	\$1,030,000
Discover! Children's Museum	\$1,030,000
West Hills Early Learning Center	\$464,000
Franklin Pierce Early Learning Center	\$980,000
<u>Refugee Women's Alliance Early Learning Facility</u>	<u>\$1,000,000</u>

(2) (~~(\$11,996,000)~~) \$10,996,000 of the early learning facilities revolving account—state appropriation in this section is provided solely for early learning facility grants and loans specified in sections 3 through 11, chapter 12, Laws of 2017, 3rd sp. sess. to provide state assistance for designing, constructing, purchasing, or modernizing public or private early learning education facilities for eligible organizations.

~~((3) If the bill referenced in subsection (2) of this section is not enacted by July 31, 2017, the amount provided in subsection (2) of this section shall lapse.)~~

Appropriation:

Early Learning Facilities Development

Account—State	(\$3,504,000)
	<u>\$4,504,000</u>

Early Learning Facilities Revolving

Account—State	(\$11,996,000)
	<u>\$10,996,000</u>

Subtotal Appropriation	\$15,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$52,000,000
TOTAL	\$67,500,000

Sec. 1006. 2018 c 2 s 1018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Dental Clinic Capacity Grants (40000007)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Funding provided in this section may be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a ten-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(b) (~~(\$12,286,000)~~) \$13,734,000 of the amount provided in this section is provided solely for the following list of projects and is subject to the criteria in (a) of this subsection:

Community Health Association of Spokane (Spokane Valley)	\$581,000
Community Health Association of Spokane (Clarkston)	\$391,000
Community Health of Central Washington (Ellensburg)	\$1,800,000
Columbia Valley Community Health (Chelan)	\$753,000
East Central Community Center (Spokane)	\$500,000
HealthPoint (Federal Way)	\$900,000
International Community Health Services (Shoreline)	\$605,000
Jefferson Healthcare Dental Clinic (Port Townsend)	\$1,000,000
Neighborcare (Seattle)	\$1,388,000
North East Washington Health Programs (Springdale)	\$465,000
North (Olympia) <u>Olympic</u> Healthcare Network (Port Angeles)	\$610,000
Peninsula Community Health Services (Poulsbo)	\$395,000
Sea Mar (Seattle)	\$183,000
Sea Mar (Oak Harbor)	\$149,000
Sea Mar (Tacoma)	\$149,000
Sea Mar (Vancouver)	\$167,000
Seattle Indian Health Board (Seattle)	\$250,000
<u>Unity Care NW (Ferndale)</u>	<u>\$750,000</u>
<u>Valley View Health Center (Chehalis)</u>	<u>\$1,000,000</u>
<u>VIMO Clinic Expansion and Remodel (Port Angeles)</u>	<u>\$698,000</u>
Yakima Valley Farm Workers Clinic (Kennewick)	\$1,000,000

(c) \$2,800,000 is provided solely for the following list of projects to increase the capacity of dental residencies:

Spokane Dental Residency (Spokane)	\$2,000,000
St. Peter Dental Residency (Olympia)	\$800,000

~~(((d) In order to assess the impact these projects may have on the omnibus operating appropriations act, the department must, in consultation with the medical assistance forecast work group, assess each federally qualified health center project to determine the impact the project may have on state expenditures from the expansion of dental clinic capacity, including the additional impact of change of scope of service for the receiving clinics. Each project must be assessed no later than December 1, 2018. The department must report to the office of financial management and the appropriate fiscal committees of the legislature on the results of the assessments by January 1, 2019.))~~

Appropriation:

State Building Construction Account—State	(\$15,086,000)
	<u>\$16,534,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$15,086,000)
	<u>\$16,534,000</u>

Sec. 1007. 2018 c 2 s 1020 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE

Behavioral Health Community Capacity (40000018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services and the health care authority, to issue grants to community hospitals or other community entities to expand and establish new capacity for behavioral health services in communities. Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities, and consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more behavioral health organizations, as defined in RCW 71.24.025, or entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380;

(b) Evidence that the applicant has assessed and would meet gaps in geographical behavioral health services needs in their region;

(c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds; and

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(2) In awarding funding for projects in subsection (3), the department, in consultation with the department of social and health services, the health care authority, and behavioral health organizations, must strive for geographic distribution and allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(3) (~~(\$36,600,000)~~) \$49,600,000 is provided solely for a competitive process for each category listed and is subject to the criteria in subsections (1) and (2) of this section:

(a) \$4,600,000 is provided solely for at least two enhanced service facilities for long-term placement of (~~(geriatric or traumatic brain injury)~~) patients discharged or diverted from the state psychiatric hospitals and that are not

subject to federal funding restrictions that apply to institutions of mental diseases;

(b) (~~(\$2,000,000)~~) \$4,000,000 is provided solely for at least (~~(one facility)~~) two facilities with secure detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 is provided solely for at least one facility with acute detox treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) (~~(\$11,400,000)~~) \$12,700,000 is provided solely for crisis diversion or stabilization facilities that are not subject to federal funding restrictions that apply to institutions of mental diseases. At least two of the facilities must be located in King county and one must be located in Pierce county. The facility in Pierce county shall receive no less than \$3,200,000;

(e) (~~(\$10,000,000)~~) \$12,700,000 is provided solely for the department to provide grants to community hospitals or freestanding evaluation and treatment providers to develop capacity for beds to serve individuals on ninety or one hundred eighty day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health, and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the department of social and health services;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The department of social and health services has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes; (~~and~~)

(f) \$6,600,000 is provided solely for the department to provide grants to community providers to develop psychiatric residential treatment beds to serve individuals being diverted or transitioned from the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, the department of health, and the local behavioral health organization jurisdiction for which a proposal has been submitted and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the behavioral health organization in the region or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380;

(iv) The provider has demonstrated to the department of health and the department of social and health services that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(v) The behavioral health organization or the entity that assumes the responsibilities of the behavioral health organization pursuant to RCW 71.24.380 has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes;

(g) \$5,000,000 is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth, including but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors. In awarding funds for projects in this subsection, the department, in consultation with the department of social and health services and the health care authority must review projects based on the following criteria:

(i) The funding must be used to increase capacity related to serving children and minor youth with behavioral health needs;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases; and

(iii) The provider has demonstrated to the department of health, department of social and health services, and health care authority that it is able to meet applicable licensing and certification requirements in the facility that will be used to provide services; and

(h) \$2,000,000 is provided solely for competitive community behavioral health grants.

(4) ~~(\$26,000,000)~~ \$35,276,000 is provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

North Sound Behavioral Health Organization Denny Youth Center	\$5,000,000
North Sound Behavioral Health Organization Substance Use Disorder Intensive Treatment	\$5,000,000
<u>North Sound Stabilization Campus (Sedro-Woolley)</u>	<u>\$1,550,000</u>
Bellingham Mental Health Triage	\$5,000,000
Bellingham Acute Detox	\$2,000,000
SWWA Diversion Crisis and Involuntary Treatment	\$3,000,000
Daybreak Center for Adolescent Recovery	\$3,000,000
Nexus Youth and Families	\$500,000
Valley City Recovery Place	\$2,000,000
Geriatric Diversion	\$500,000
<u>Skagit Triage Expansion (Mount Vernon).</u>	<u>\$326,000</u>
<u>Spokane Jail Diversion</u>	<u>\$2,400,000</u>
<u>Tri-county Detox and Crisis Center.</u>	<u>\$4,000,000</u>
<u>Toppenish Hospital</u>	<u>\$1,000,000</u>

(5) \$3,000,000 is provided solely for the Evergreen treatment services building purchase, contingent on matching funds.

(6)(a) \$3,000,000 is provided solely for a grant to a joint venture between MultiCare-Franciscan to provide community based behavioral health services. Funding provided in this subsection is subject to the criteria in subsection (1) of

this section. The department of commerce may not release funding for this project unless MultiCare-Franciscan enters into a memorandum of understanding with the department of social and health services by October 31, 2018, to collaborate on development and implementation of strategies to expand the behavioral health workforce in the region. At a minimum, the agreement must include strategies for increasing recruitment of health professionals required to staff psychiatric inpatient facilities, including psychiatrists, psychologists, nurses and other health care professionals. The agreement must also identify opportunities for coordination between the parties to expand access to clinical skill development and training opportunities in the region and strategies for collaborative service delivery between the parties when possible. To objectively evaluate the efficacy of the strategies implemented to achieve the desired outcomes of the agreement, performance measures and targets must be established to include:

~~((a))~~ (b) MultiCare-Franciscan and the department of social and health services must work collaboratively to decrease vacancy rates for hard-to-recruit health care professionals employed by each facility. The parties must develop strategies to attract more qualified health care professionals to the area and ensure comparable exposure to the benefits of working for each organization. The parties must measure the success of these strategies by the decrease in vacancy rate for health care professionals necessary to provide safe, quality inpatient psychiatric care in MultiCare-Franciscan and department facilities following the first year as the baseline of the partnership/consortium and with updated goals for each subsequent year. MultiCare-Franciscan and the department of social and health services must work to increase the competency and skills of health care professionals across both facilities by establishing organized joint- and cross-training programs. The parties must measure the success of this strategy by the number of health care professionals in total and by discipline complete cross-training activities and by the number and hours of cross-training opportunities offered under the agreement.

~~((6))~~ (7) The department of commerce shall notify all applicants that they may be required to have a construction review performed by the department of health.

~~((7))~~ (8) To accommodate the emergent need for behavioral health services, the department of health and the department of commerce, in collaboration with the health care authority and the department of social and health services, shall establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, detox, or secure detox.

Appropriation:

State Building Construction Account—State	(\$65,600,000)
	<u>\$90,876,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$65,600,000)
	<u>\$90,876,000</u>

Sec. 1008. 2018 c 2 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

CERB Administered Broadband Infrastructure (91000943)

The appropriation in this section is subject to the following conditions and limitations: During the 2017-2019 fiscal biennium, the community economic revitalization board may make grants and loans to local governments and federally recognized tribes to build infrastructure to provide high-speed, open-access broadband service, with a minimum of 25 megabits per second download speed, to rural and underserved communities, for the purpose of economic development or community development.

(1) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

(2) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed Internet access and other advanced telecommunications services.

(3) The board is authorized to make rural broadband loans and grants to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purpose of economic development or community development. ~~((Grants may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the local government or the federally recognized Indian tribe, and subject to a finding by the board that financial circumstances require grant assistance to enable the project to move forward.))~~ However, no more than ~~((25))~~ 50 percent of all financial assistance approved by the board in any biennium may consist of grants to local governments and federally recognized Indian tribes.

(4) Application for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(iii) For a project the primary purpose of which is to facilitate or promote gambling.

(iv) For a project located outside the jurisdiction of the applicant local government or federally recognized Indian tribe.

(v) For equipment or facilities which would enable a public entity to provide retail telecommunications services or services that the entity is not authorized by statute to provide.

(vi) For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive, publicly-owned telecommunication network infrastructure.

(b) The board may provide financial assistance only((+)

~~(i) For projects demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:~~

~~(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~

~~(B) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities; and~~

~~(C) Is located in a rural community as defined by the board, or a rural county; or~~

~~(ii) For a project that does not meet the requirements of (b)(i) of this subsection but is a project that:~~

~~(A) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board;~~

~~(B) Is part of a local economic development plan consistent with applicable state planning requirements;~~

~~(C) Can demonstrate project feasibility using standard economic principles; and~~

~~(D) Is located in a rural community as defined by the board, or a rural county;~~

~~(e) The board must develop guidelines for local participation and allowable match and activities.~~

~~(d) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.~~

~~(e)) for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:~~

~~(i) Drive job creation, promote innovation, and expand markets for local businesses; or~~

~~(ii) Serve the ongoing and growing needs of local education systems, health care systems, public safety systems, industries and businesses, governmental operations, and citizens; and~~

~~(iii) Improve accessibility for underserved communities and populations.~~

~~(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.~~

~~((#)) (d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.~~

~~((g) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.~~

~~(h) The board must prioritize each proposed project according to:~~

~~(i) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;~~

~~(ii) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and~~

~~retention, and expected increases in state and local tax revenues associated with the project;~~

~~(iii) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;~~

~~(iv) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements;~~

~~(v) Whether the applicant's permitting process has been certified as streamlined by the office of regulatory assistance; and~~

~~(vi) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.~~

~~(†)) (e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:~~

~~(i) The project's value to the community, including evidence of support from affected local businesses and government;~~

~~(ii) The project's feasibility, using standard economic principles;~~

~~(iii) Commitment of local matching resources and local participation;~~

~~(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and~~

~~(v) The project's readiness to proceed.~~

~~(5) A responsible official of the local government or the federally recognized Indian tribe must be present during board deliberations and provide information that the board requests.~~

~~((5)) (6) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.~~

Appropriation:

State Taxable Building Construction

Account—State(((\$5,000,000))

\$10,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL(((\$5,000,000))

\$10,000,000

Sec. 1009. 2018 c 2 s 1022 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE

Seismic Inventory: Unreinforced Masonry Buildings (91000959)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department, in cooperation with the department of archaeology and historic preservation, to contract for a seismic study regarding suspected unreinforced masonry buildings in Washington state.

The study must include a list and map of suspected unreinforced masonry buildings, excluding single-family housing, and be produced by utilizing existing survey and data sources, including the state's historic resources database, to the greatest extent possible. The study may incorporate random sampling, site visits, and other means to inform the study. The study must identify the number of unreinforced masonry buildings with vacant or underutilized upper floors. The study must be provided to the office of financial management and fiscal committees of the legislature by (~~September 1~~) December 15, 2018.

Appropriation:

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

Sec. 1010. 2018 c 2 s 1023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2017-19 Stormwater Pilot Project (91001099)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of commerce to establish a community-based public-private partnership stormwater pilot program using the United States environmental protection agency guidelines for local governments. The department must establish goals and geographical areas and identify ongoing revenue structures, as well as develop a request for qualifications with the department of ecology using the environmental protection agency guidelines to support future stormwater public-private partnerships. The department must report to the office of financial management and fiscal committees of the legislature by (~~September 1~~) December 15, 2018, regarding the establishment of the pilot project and any barriers in implementing projects using this model.

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 1011. 2018 c 2 s 1025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Seattle Vocational Institute Adaptive Reuse Study (91001154)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the department to contract for an adaptive reuse study for the Seattle vocational institute building and property located at 2120 south Jackson street. The study must quantify the costs of repair and improvements for the various potential uses and analyze financing under different ownership scenarios. The evaluation must be provided to the office of financial management and fiscal committees of the legislature by (~~September 1~~) December 15, 2018.

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	\$150,000

NEW SECTION. Sec. 1012. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2019 Local and Community Projects (91001157)

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

(1) The department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Arlington Innovation Center (Arlington).....	\$275,000
Asia Pacific Cultural Center (Ruston).....	\$250,000
Ballard Fish Ladder Renovation (Seattle).....	\$100,000
Boys and Girls Club (Oak Harbor).....	\$20,000
Capitol Campus Improvements (Olympia).....	\$249,000
Centralia Founder Statue George & Mary Jane (Centralia).....	\$75,000
Chamber of Commerce Renovation Project (Federal Way).....	\$250,000
Chelan Moderate Risk Waste Facility (Wenatchee).....	\$556,000

Cheney Well #3 Re-Drill (Cheney)	\$750,000
Clinton & Gloria John Teen Club (Vancouver)	\$500,000
Colby Avenue Youth Center (Everett)	\$207,000
College Place Well No. 2 Relocation (College Place)	\$618,000
Covington Town Center (Covington)	\$500,000
Crisis Services Renovation (Kennewick)	\$200,000
Derelict Vessel Deconstruction Boatyard (Ilwaco)	\$950,000
Duvall Civic Stage (Duvall)	\$50,000
East Blaine Infrastructure Extension Project (Blaine)	\$1,200,000
East Whatcom Regional Resource Center (Maple Falls)	\$125,000
Edmonds Community & Senior Center (Edmonds)	\$500,000
Family First Community Center (Renton)	\$1,500,000
Fennel Creek Trail Extension (Bonney Lake)	\$500,000
Fircrest Community Pool (Fircrest)	\$750,000
Five Acre Woods Park Acquisition (Lake Forest Park)	\$300,000
Fort Steilacoom Park (Lakewood)	\$400,000
Full Capacity Generator (Vashon)	\$230,000
Grace Children's Center Renew & Remodel (Des Moines)	\$25,000
Granger Splash Park (Granger)	\$30,000
Grays Harbor County Courthouse (Montesano)	\$412,000
Greenwood Cemetery (Centralia)	\$250,000
Habitat for Humanity Veterans Project (Pacific)	\$250,000
Harrison/Eastside Employment Center (Bremerton)	\$280,000
Historic Water Tower Renovation (Yelm)	\$155,000
House of Charity Homeless Shelter Outdoor Annex (Spokane)	\$235,000
Interurban Trail and Trailhead (Fife)	\$200,000
Issaquah Teen Cafe (Issaquah)	\$100,000
Kirkland Performance Center Modernization/Enhancement (Kirkland)	\$500,000
Kitsap Humane Society Animal Shelter Expansion (Silverdale)	\$300,000
KRYS Thin Air Community Radio Expansion (Spokane)	\$100,000
Lacey Food Bank (Lacey)	\$750,000
Lake City Community Center (Seattle)	\$500,000
Lake Sammamish State Park EIS and Predesign (Issaquah)	\$200,000
Lake Stevens Food Bank (Lake Stevens)	\$206,000
Lakewood Colonial Plaza (Lakewood)	\$500,000
Lincoln County E911 (Davenport)	\$500,000
Lopez Island Pool (Lopez)	\$500,000
Lyons Ferry State Park Campground Design & Permitting (Washtucna)	\$400,000
Main Street Reconstruction - Phase 2 (Mountlake Terrace)	\$500,000
Mary's Place Burien Hub (Burien)	\$500,000
Masonic Temple Window Replacement (Centralia)	\$27,000
Mobile CTE Training Project (Centralia)	\$515,000

Moshier Park Sports Field Improvements & Stormwater (Burien)	\$500,000
Mt. Spokane Guest Services Improvements (Mead)	\$309,000
Mukilteo Peace Park Construction (Mukilteo)	\$400,000
Mukilteo Waterfront Parking Lot (Mukilteo)	\$500,000
North Mason Teen Center (Belfair)	\$412,000
North Shore Levee (Aberdeen)	\$2,500,000
Northwest African American Museum Exhibit (Seattle)	\$200,000
Oak Harbor Windjammer Park Restoration (Oak Harbor)	\$750,000
Olympic Natural Resource Center CLT Design (Forks)	\$10,000
Omak Airport Improvement (Omak)	\$309,000
Pe Ell Infrastructure (Pe Ell)	\$340,000
PFAS Remediation Pilot (Issaquah)	\$206,000
Pioneer Park Pool House (Connell)	\$25,000
Port of Allyn Marina Utility (Allyn)	\$376,000
Port of Sunnyside (Sunnyside)	\$1,000,000
Port of Vancouver (Vancouver)	\$824,000
Ports of Ilwaco and Chinook Marina Dredging (Ilwaco)	\$450,000
Puyallup River Boat Launch (Puyallup)	\$100,000
Redmond Central Connector Phase III (Redmond)	\$721,000
Ridgefield Police Station Expansion (Ridgefield)	\$124,000
River View Performing Arts Center (Kennewick)	\$206,000
Roslyn Community and Cultural Center (Roslyn)	\$523,000
Sedro-Woolley Regional Library (Sedro-Woolley)	\$1,500,000
Shelton Timberland Library Repair (Shelton)	\$288,000
Skagit Children's Advocacy & Family Support Center (Mount Vernon)	\$310,000
Skamania County Fair Horse Stall Panels (Stevenson)	\$40,000
Sno-Isle Libraries Mariner Library Preliminary Design (Everett)	\$322,000
Snohomish Carnegie Project (Snohomish)	\$500,000
Snohomish Community Food Bank Freezer (Snohomish)	\$29,000
SOZO Sports Center of Central Washington (Yakima)	\$500,000
Spokane County Medical Examiner (Spokane)	\$1,250,000
St. Mark Tiny Homes for Homeless High School Students (Lacey)	\$200,000
Staging for Success! (Silverdale)	\$500,000
Starfire Sports Ignite STEM Passion (Tukwila)	\$250,000
Sultan Decant Facility/Clean-up (Sultan)	\$340,000
Summit Park (Maple Valley)	\$331,000
Town Hall Historic Restoration (Seattle)	\$1,000,000
TXL Lake Hills Clubhouse Acquisition Boys & Girls Club (Bellevue)	\$200,000
Washougal Steamboat Landing Dock Replacement (Washougal)	\$750,000
Waterfront Trail Development (Stevenson)	\$103,000

Wenatchee WRIA 45 Pilot Project (Wenatchee)	\$350,000
West Central Community Center Roof/Skylight (Spokane)	\$80,000
William Shore Pool Expansion (Port Angeles)	\$1,500,000
Yacolt Railroad Bldg. and Museum Project (Yacolt)	\$412,000
Yelm Historic Building (Yelm)	\$39,000

(8) \$250,000 of the appropriation in this section is provided solely for the purchase of the Greenwood cemetery located at 1905 Johnson road. The city of Centralia must establish a cemetery district for the Greenwood cemetery.

Appropriation:

State Building Construction Account—State	\$40,569,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,569,000

Sec. 1013. 2017 3rd sp.s. c 4 s 1021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Housing Trust Fund Appropriation (30000833)

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

(1) Except as provided in subsection (2) of this section, the reappropriations are subject to the provisions of section 1005, chapter 35, Laws of 2016 sp. sess.

(2) \$1,500,000 of the reappropriation from section 1005(11), chapter 35, Laws of 2016 sp. sess. is instead provided solely for purchase of the south annex properties. The state board of community and technical colleges must transfer the south annex properties located at 1531 Broadway, 1534 Broadway, and 909 East Pine street to a nonprofit or public development authority, if the entity agrees to use the properties to provide services and housing for homeless youth and young adults for a minimum of ten years. The transfer agreement must specify a mutually agreed transfer date. The transfer agreement must require the nonprofit or public development authority to cover any closing costs and must specify a purchase price of nine million dollars.

Reappropriation:

State Taxable Building Construction Account—State.	\$59,701,000
Washington Housing Trust Account—State	\$3,000,000
Subtotal Reappropriation	\$62,701,000
Prior Biennia (Expenditures)	\$20,299,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$83,000,000

Sec. 1014. 2018 c 2 s 1011 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Weatherization Plus Health Matchmaker Program (30000879)

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

(1) \$1,000,000 is provided solely for lead remediation projects, and this is the maximum amount the department may expend for this purpose.

(2) \$5,000,000 is provided solely for projects pursuant to chapter 285, Laws of 2017 (Engrossed Senate Bill No. 5647), and this is the maximum amount the

department may expend for this purpose. The department may prioritize rehabilitation projects in coordination with weatherization projects.

(3) \$5,000,000 is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners to make sound energy efficiency investments by providing consumer education and marketing, workforce support via training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings, and this is the maximum amount the department may expend for this purpose.

Appropriation:

State Building Construction Account—State	(\$16,000,000)
	<u>\$18,500,000</u>
State Taxable Building Construction Account—State.	\$5,000,000
Subtotal Appropriation	(\$21,000,000)
	<u>\$23,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	(\$101,000,000)
	<u>\$103,500,000</u>

NEW SECTION. **Sec. 1015.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Behavioral Rehabilitation Services Capacity Grants (92000611)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) Funding provided in this section may be used for the renovation or construction directly associated with behavioral rehabilitation services settings. The funding provided in this section is limited to projects at facilities that are not state owned that add capacity to address unmet need and are maintained as behavioral rehabilitation services capacity available to the state for at least a five-year period.

(b) It is the goal of the legislature to achieve an additional twenty-four beds of behavioral rehabilitation services capacity by the conclusion of the 2017-2019 fiscal biennium. To the maximum extent possible, the department shall prioritize the use of the funding provided in this section in a manner that facilitates achieving this goal, and consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(c) The department shall consult as needed with the children and families services program of the department of social and health services through June 30, 2018, and the department of children, youth, and families effective July 1, 2018, to ensure that, to the maximum extent possible, the use of funding provided in this section facilitates placements that will better accommodate permanency plans, including but not limited to parent-child visitation.

Appropriation:

State Building Construction Account—State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$2,000,000

Sec. 1016. 2016 sp.s. c 35 s 1012 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Local and Community Projects 2016 (92000369)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) \$2,209,000 of the appropriation in this section is provided solely for the Fairchild air force base protection and community empowerment project, including the purchase of twenty acres of land by Spokane county or the city of Airway Heights for development of affordable housing and the purchase of mobile home parks by Spokane county or the city of Airway Heights in order to reduce the use of the accident potential zone for residential purposes. There shall be no limitations on the sequence of the purchase of mobile home parks. If Spokane county or the city of Airway Heights subsequently rezones, develops, and leases the mobile home park property for commercial or industrial uses contrary to the allowed uses in the accident potential zone, Spokane county or the city of Airway Heights must repay to the state the amount spent on the purchase of mobile home parks in its entirety within ten years. Mobile home parks purchased under the provisions of this subsection may be sold by Spokane county or the city of Airway Heights, provided that the uses of the mobile home park property are not contrary to the allowed uses in the accident potential zone. Any moneys from this sale must be used to purchase other mobile home parks in the Fairchild air force base protection and community empowerment project.

The twenty acres of land purchased under this subsection for development as affordable housing may be sold, in whole or in part, by the recipient, provided the property sold is used for affordable housing as required in the Fairchild air force base protection and community empowerment project. Recipients of funds provided under this subsection are not required to demonstrate that the project site is under their control for a minimum of ten years but they must demonstrate that the project site is under their control through ownership or long-term lease. Projects funded under this subsection are not required to meet the provisions of RCW 43.63A.125(6) and subsection (5) of this section.

(8) \$850,000 of the appropriation in this section is provided solely for the White River restoration project. Design solutions for flooding reductions in the lower White River must include a floodplain habitat design that both reduces flood risks and restores salmon habitat by reconnecting the river with its floodplain and a sustainable riparian corridor. Project designs and plans must also identify lands for acquisition needed for floodplain reconnection where pending or existing development eliminates the potential for riparian and aquatic habitat restoration. The city shall work cooperatively with the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians, and develop a plan collaboratively to achieve both flood reduction and habitat restoration.

(9) Up to ~~(\$150,000)~~ \$300,000 of the appropriation in this section for the veterans helping veterans: Emergency transition shelter project may be spent on preconstruction or preacquisition activities, including, but not limited to, building inspections, design of necessary renovations, cost estimation, and other activities necessary to identify and select a facility appropriate for the program. The remainder of the appropriation must be used for eventual acquisition and renovations of a facility.

(10) \$2,500,000 of the appropriation in this section is provided solely for the mercy housing and health care center at Sand Point. During the 2015-2017 fiscal biennium, the center may not house any community health care training organization that has been investigated by and has paid settlement fees to the attorney general's office for alleged medicaid fraud.

(11) The Lake Chelan land use plan must be developed without adverse impacts on agricultural operations.

(12) \$1,300,000 of the appropriation in this section is provided solely for phase one of the main street revitalization project in the city of Mountlake Terrace.

(13) \$300,000 of the appropriation in this section is provided solely for the city of Stanwood to acquire property for a new city hall/public safety facility.

(14) Up to 30 percent of the funding for the Kennewick boys and girls club may be used for land acquisition.

(15) The appropriation is provided solely for the following list of projects:

<u>Projects</u>	<u>Amounts</u>
Algona senior center	\$500,000
All-accessible destination playground	\$750,000
Appleway trail	\$1,000,000
Basin 3 sewer rehabilitation	\$1,500,000

<u>Projects</u>	<u>Amounts</u>
Bellevue downtown park inspiration playground and sensory garden	\$1,000,000
Bender fields parking lot and restrooms	\$1,000,000
Blackhills community soccer complex safety projects	\$750,000
Bremerton children's dental clinic	\$396,000
Brewster reservoir replacement	\$1,250,000
Brookville gardens	\$1,200,000
Camas-Washougal Babe Ruth youth baseball improve Louis Bloch park	\$10,000
Cancer immunotherapy facility-Seattle children's research inst.	\$7,000,000
Caribou trail apartments	\$100,000
Carnegie library imprv for the rapid recidivism reduction program	\$1,000,000
Cavelero park - regional park facility/skateboard park	\$500,000
CDM caregiving services: Clark county aging resource center	\$1,200,000
Centerville school heating upgrades	\$46,000
Chambers Creek regional park pier extension and moorage	\$1,750,000
City of LaCenter parks & rec community center	\$1,500,000
City of Lynden pipeline	\$2,000,000
City of Lynden-Riverview road construction	\$850,000
City of Lynden-safe routes to school and Kaemingk trail gap elim.	\$300,000
City of Mt. Vernon downtown flood protect project & riverfront trail	\$1,500,000
City of Olympia - Percival Landing renovation	\$950,000
City of Pateros water system	\$1,838,000
City of Stanwood City hall/public safety facility property acquisition	\$300,000
Classroom door barricade - nightlock	\$45,000
Confluence area parks upgrade and restoration	\$1,000,000
Corbin senior center elevator	\$300,000
Covington community park	\$5,000,000
Cross Kirkland corridor trail connection 52nd St.	\$1,069,000
Dawson place child advocacy center building completion project	\$161,000

<u>Projects</u>	<u>Amounts</u>
Dekalb street pier	\$500,000
DNR/City of Castle Rock exchange	\$80,000
Dr. Sun Yat Sen memorial statue	\$10,000
Drug abuse and prevention center - Castle Rock	\$96,000
DuPont historical museum renovation	\$46,000
East Tacoma community center	\$1,000,000
Edmonds center for the arts: Gym climate control & roof repairs	\$250,000
Edmonds senior & community center	\$1,250,000
Emergency generator for kidney resource center	\$226,000
Enumclaw expo center	\$350,000
Fairchild air force base protection & comm empowerment project	\$2,209,000
Federal Way PAC center	\$2,000,000
Filipino community of Seattle village (innovative learning center)	\$1,200,000
Franklin Pierce early learning center	\$2,000,000
Gateway center project	\$1,000,000
Gilda club repairs	\$800,000
Granite Falls boys & girls club	\$1,000,000
Gratzer park ball fields	\$200,000
Grays Harbor navigation improvement project	\$2,500,000
Green river gorge open space buffer, Kummer connection	\$750,000
Guy Cole center revitalization	\$450,000
Historic renovation Maryhill museum	\$1,000,000
Hopelink at Ronald commons	\$750,000
Irvine slough storm water separation	\$500,000
Kahlotus highway sewer force main	\$2,625,000
Kennewick boys and girls club	\$500,000
Kent east hill YMCA	\$500,000
Key Pen civics center	\$50,000
KiBe high school parking	\$125,000
Kitsap humane society - shelter renovation	\$90,000
Lacey boys & girls club	\$29,000
Lake Chelan land use plan	\$75,000
LeMay car museum ADA access improvements	\$500,000

<u>Projects</u>	<u>Amounts</u>
Lyman city park renovation	\$167,000
Lyon creek flood reduction project	\$400,000
Marine terminal rail investments	\$1,000,000
Martin Luther King Jr. family outreach center expansion project	\$85,000
Mason county Belfair wastewater system rate relief	\$1,500,000
McAllister museum	\$660,000
Mercer arena energy savings & sustainability funding	\$450,000
Mercy housing and health center at Sand Point	\$2,500,000
Meridian center for health	\$2,500,000
Minor Road water reservoir replacement	\$1,500,000
Mountains to Sound Greenway Tiger Mountain access improvements	\$300,000
Mountlake Terrace Main street revitalization project	\$1,300,000
Mt. Spokane guest services building & preservation/maintenance of existing facilities	\$520,000
Boys & girls club of Snohomish county (Brewster, Sultan, Granite Falls, Arlington, and Mukilteo)	\$1,000,000
Mukilteo tank farm clean-up	\$250,000
New Shoreline medical-dental clinic	\$1,500,000
Nordic heritage museum	\$2,000,000
North Kitsap fishline foodbank	\$625,000
Northwest native canoe center project	\$250,000
Oak Harbor clean water facility	\$2,500,000
Okanogan emergency communications	\$400,000
Onalaska community tennis and sports courts	\$80,000
Opera house ADA elevator	\$357,000
Orcas Island library expansion	\$1,400,000
Pacific community center	\$250,000
PCAF's building for the future	\$350,000
Pe Ell second street	\$197,000
Perry technical school	\$1,000,000
Pike Place Market front project	\$800,000
Police station security/hardening	\$38,000
Port of Centralia - Centralia station	\$500,000
Port of Sunnyside demolish the carnation building	\$450,000
PROVAIL TBI residential facility	\$450,000

<u>Projects</u>	<u>Amounts</u>
Quincy water reuse	\$1,500,000
Redmond downtown park	\$3,000,000
Redondo boardwalk repairs	\$1,500,000
Renovate senior center	\$400,000
Rochester boys & girls club	\$38,000
Rockford wastewater treatment	\$1,200,000
Roslyn renaissance-NW improve company bldg renovation project	\$900,000
Sammamish rowing association boathouse	\$500,000
SE 240th St. watermain system improvement project	\$700,000
SE Seattle financial & economic opportunity center	\$1,500,000
SeaTac international marketplace & transit-oriented community	\$1,250,000
Seattle theatre group	\$131,000
Snohomish veterans memorial rebuild	\$10,000
Snoqualmie riverfront project	\$1,520,000
South 228th street inter-urban trail connector	\$500,000
Splash pad/foundation: Centralia outdoor pool restoration project	\$200,000
Spokane women's club	\$300,000
Springbrook park neighborhood connection project	\$300,000
SR 532 flood berm and bike/ped path	\$85,000
St. Vincent food bank & community services construction project	\$400,000
Stan & Joan cross park	\$750,000
Steilacoom Sentinel Way repairs	\$450,000
Stilly Valley youth project Arlington B&G club	\$2,242,000
Sunset neighborhood park	\$1,750,000
Support, advocacy & resource center for victims of violence	\$750,000
The gathering house job training café	\$14,000
The Salvation Army Clark County: Corps community center	\$1,200,000
Thurston county food bank	\$500,000
Tulalip water pipeline, (final of 8 segments)	\$2,000,000
Twin Bridges museum rehab Lyle Wa	\$64,000
Twisp civic building	\$500,000

<u>Projects</u>	<u>Amounts</u>
Vancouver, Columbia waterfront project	\$2,500,000
Vantage point senior apartments	\$2,000,000
Veterans center	\$500,000
Veterans helping veterans: Emergency transition shelter	\$600,000
Waitsburg Main Street bridge replacement	\$1,700,000
Washington green schools	\$105,000
Washougal roof repair	\$350,000
Water meter and system improvement program	\$500,000
Water reservoir and transmission main	\$500,000
Wayne golf course land preservation	\$500,000
White River restoration project	\$850,000
Willapa behavioral health safety improvement project	\$75,000
WSU LID frontage - local and economic benefits	\$500,000
Yakima children's museum center	\$50,000
Yakima SunDome	\$2,000,000
Yelm community center	\$500,000
Yelm senior center	\$80,000
Youth wellness campus gymnasium renovation	\$1,000,000
 Total	 \$130,169,000

Appropriation:

State Building Construction Account—State	\$130,169,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$130,169,000

Sec. 1017. 2018 c 2 s 1026 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Oversight of State Facilities (30000039)

Appropriation:

((State Building Construction Account—State	\$1,229,000))
Thurston County Capital Facilities Account—State	(((\$1,229,000))
	<u>\$2,458,000</u>
((Subtotal Appropriation	\$2,458,000))
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,458,000

Sec. 1018. 2018 c 2 s 1027 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

OFM Capital Budget Staff (30000040)

Appropriation:

((State Building Construction Account—State	\$611,000))
Thurston County Capital Facilities Account—State	((\$611,000))
	\$1,222,000
((Subtotal Appropriation	\$1,222,000))
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,222,000

Sec. 1019. 2018 c 2 s 1031 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Evaluation of Law Enforcement Training by Community Colleges (92000022)

The appropriation in this section is subject to the following conditions and limitations: \$300,000 of the appropriation in this section is provided solely for the office of financial management to contract with an external consultant to develop a plan that provides required basic law enforcement training through student paid programs with training provided by community and technical colleges. The consultant must review the costs, benefits, and risks to the state of Washington and review models from other states. The consultant must provide a report with an implementation plan and recommendations to the governor and the appropriate committees of the legislature by ~~((December 10, 2018))~~ January 31, 2019.

Appropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 1020. 2018 c 2 s 1030 (uncodified) is repealed.

NEW SECTION. Sec. 1021. 2018 c 2 s 1033 (uncodified) is repealed.

Sec. 1022. 2018 c 2 s 1032 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Behavioral Health Statewide Plan (91000434)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management, in collaboration with the department of commerce, the health care authority, the department of social and health services, the department of health, and behavioral health organizations, shall establish a statewide plan to inform future grant allocations by assessing and prioritizing facility needs and gaps in the behavioral health continuum of care. The department must provide the plan to the fiscal committees of the legislature by ~~((September 1))~~ December 31, 2018. The plan must include:

- (1) An assessment of the continuum of care, including new community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced service facilities, triage facilities, crisis stabilization facilities for short-term detention services through the publicly funded mental health system, crisis walk-in clinics, residential treatment facilities, and supportive housing units;

(2) A prioritization of facility type by geographic region covering the full continuum of care defined in subsection (1) of this section;

(3) A systematic method to distribute resources across geographical regions so that over time all regions are moving forward in strengthening the local continuum of behavioral health facilities; and

(4) An assessment of the feasibility of establishing state-operated, community-based mental health hospitals.

Appropriation:

State Building Construction Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 1023. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Higher Education Facility Study (92000026)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall submit a higher education facility study to the governor and the appropriate legislative fiscal committees by December 1, 2018. In designing and conducting the study, the office of financial management shall consult with legislative and fiscal committee leadership, the state board for community and technical colleges, and the public four-year institutions of higher education.

The study must include:

(1) Learning space utilization standards for higher education facilities. The standards may include, but are not limited to:

- (a) The percentage of hours utilized per scheduling window;
- (b) The percentage of seats utilized;
- (c) Square feet per seat; and
- (d) Type of technology utilized in learning spaces.

(2) Reasonableness of cost standards for higher education capital facilities. The standards may include, but are not limited to:

- (a) Costs per square feet per type of facility;
- (b) Expected life-cycle costs; and
- (c) Project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(3) A criteria scoring and prioritization matrix for use by four-year higher education institutions and other decision makers to produce single prioritized lists of higher education capital projects that consists of two components:

- (a) A numeric rating scale that assesses how well a particular project satisfies higher education capital project criteria; and
- (b) A numeric measure to weigh the importance of those criteria.

Appropriation:

State Building Construction Account—State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000

Sec. 1024. 2017 3rd sp.s. c 4 s 1048 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Construction Contingency Pool (90000300)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1077, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	(\$1,853,000)
	<u>\$3,251,000</u>
Prior Biennia (Expenditures)	(\$6,147,000)
	<u>\$4,749,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

Sec. 1025. 2018 c 2 s 1040 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Campus Physical Security and Safety Improvements (30000812)

\$550,000 of the appropriation in this section is provided solely for a study to include: (1) An assessment of current capitol campus security, to include infrastructure, technology, and staffing; (2) an assessment of security systems at comparable state capitol campuses; (3) options for security to meet the needs of the capitol campus; and (4) a phased plan for improving campus physical security and safety, including estimated costs. The following must be included in the development of the study: House of representatives security personnel, senate security personnel, legislative building facility and security personnel, and temple of justice security personnel. The study must be submitted to the office of financial management and the appropriate committees of the legislature by (~~August 31~~) December 15, 2018.

Appropriation:

State Building Construction Account—State	\$2,040,000
Thurston County Capital Facilities Account—State	(\$550,000)
	<u>\$710,000</u>
<u>Subtotal Appropriation</u>	<u>\$2,750,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$550,000)
	<u>\$2,750,000</u>

Sec. 1026. 2018 c 2 s 1041 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Statewide Minor Works - Preservation Projects (30000825)

Appropriation:

Enterprise Services Account—State	\$314,000
State Building Construction Account—State	(\$2,664,000)
	<u>\$3,506,000</u>
State Vehicle Parking Account—State	\$80,000
Subtotal Appropriation	(\$3,058,000)

	<u>\$3,900,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,970,000
TOTAL	<u>(\$13,028,000)</u>
	<u>\$13,870,000</u>

Sec. 1027. 2018 c 2 s 1042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Building Envelope Repairs (30000829)

Appropriation:

Capitol Building Construction Account—State	<u>(\$3,364,000)</u>
	<u>\$2,611,000</u>
State Building Construction Account—State	<u>(\$4,936,000)</u>
	<u>\$2,611,000</u>
Subtotal Appropriation	<u>(\$8,300,000)</u>
	<u>\$5,222,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$8,300,000)</u>
	<u>\$5,222,000</u>

Sec. 1028. 2018 c 2 s 1043 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Engineering and Architectural Services: Staffing (30000889)

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

(1) The appropriations in this section are provided solely for architectural and engineering services to manage public works contracting for all state facilities pursuant to RCW 43.19.450.

(2) At the end of each fiscal year, the department must report to the office of financial management and the fiscal committees of the legislature on performance, including the following:

(a) The number of projects managed by each manager compared to previous biennia;

(b) Projects that were not completed on schedule and the reasons for the delays; and

(c) The number and cost of the change orders and the reason for each change order.

(3) At least twice per year, the department shall convene a group of private sector architects, contractors, and state agency facilities personnel to share, at a minimum, information on high performance methods, ideas, operating and maintenance issues, and cost. The facilities personnel must be from the community and technical colleges, the four-year institutions of higher education, and any other state agencies that have recently completed a new building or are currently in the construction phase.

(4) The department shall create a plan for scheduled renovations on the capitol campus, to include phasing and swing space for the predesigns for the department of transportation building, temple of justice, and employment security building.

Appropriation:

State Building Construction Account—State	(\$10,220,000)
	<u>\$11,320,000</u>
Thurston County Capital Facilities Account—State	\$2,680,000
Subtotal Appropriation	(\$12,900,000)
	<u>\$14,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$12,900,000)
	<u>\$14,000,000</u>

Sec. 1029. 2018 c 2 s 1045 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

1063 Building Furniture and Equipment (40000029)

The appropriation in this section is subject to the following conditions and limitations: ~~(\$2,414,000)~~ \$1,560,000 is provided solely for the department for furniture, fixtures, and equipment for common areas in the building.

Appropriation:

Thurston County Capital Facilities Account—State	(\$2,414,000)
	<u>\$1,560,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,414,000)
	<u>\$1,560,000</u>

NEW SECTION. **Sec. 1030.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Buy Clean Washington Pilot (91000447)

The appropriation in this section is subject to the following conditions and limitations:

(1) By June 15, 2018, the department must coordinate with the following projects: (a) Washington State University Tri-Cities academic building, project number 30001190; (b) Western Washington University sciences building addition and renovation, project number 30000768; (c) Shoreline Community College allied health, science, and manufacturing replacement, project number 30000990; (d) secretary of state library archive building, project number 30000033; and (e) the department of transportation SR9/Snohomish river bridge replacement, project number N00900R. The awarding authorities for these projects must collaborate with the University of Washington college of built environments study in section 5014 of this act to test proposed methods and availability of environmental product declarations.

(2) An awarding authority for the projects listed in subsection (1) of this section shall require the successful bidder for a contract to submit current third-party verified environmental product declarations for the eligible materials used if available and currently utilized.

(3) The awarding authority shall report to the department the quantities and any environmental product declarations collected in this section.

(4)(a) The department shall provide a preliminary report to the fiscal committees of the legislature by June 30, 2019, of the findings in subsection (1) of this section, and on any obstacles to the implementation of this section, and the effectiveness of this section with respect to reducing carbon emissions.

(b) The department shall report any positive or negative impacts to project costs, based on the requirements in this section.

(c) The department shall report on any positive or negative economic impacts to Washington state based on where the eligible materials are purchased.

(5) For the purposes of this section:

(a) "Eligible materials" include any of the following that function as part of a structural system or structural assembly:

(i) Concrete, including structural cast in place, shotcrete, and precast;

(ii) Unit masonry;

(iii) Metal of any type; and

(iv) Wood of any type including, but not limited to, wood composites and wood laminated products.

(b) "Environmental product declaration" means a facility-specific type III environmental product declaration, as defined by the international organization for standardization standard 14025, or similarly robust life-cycle assessment methods that have uniform standards in data collection consistent with international organization for standardization standard 14025, industry acceptance, and integrity.

(c) "Structural" means a building material or component that has, but is not limited to having, the following properties: Supports gravity loads of either building floors or roofs, or both, and is the primary lateral system resisting wind and earthquake loads, such as shear walls, braced frames, or moment frames, and includes foundations, below-grade walls, and floors.

Appropriation:

State Building Construction Account—State	\$65,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$65,000

NEW SECTION. Sec. 1031. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Roof Replacement - Cherberg and Insurance Buildings (40000032)

Appropriation:

State Building Construction Account—State	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,400,000

NEW SECTION. Sec. 1032. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Legislative Building Exterior Preservation Cleaning (40000033)

Appropriation:

State Building Construction Account—State	\$3,400,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs).....	\$0
TOTAL	\$3,400,000

Sec. 1033. 2018 c 2 s 1049 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Relocate Mural from GA to 1063 (92000018)

The appropriation in this section is subject to the following conditions and limitations: The general fund—private/local account appropriation is contingent upon the receipt of funds from nonstate entities to relocate the mosaic mural from the general administration building to the 1063 block replacement building.

Appropriation:

State Building Construction Account—State	\$275,000
<u>General Fund—Private/Local</u>	<u>\$118,000</u>
<u>Subtotal Appropriation</u>	<u>\$393,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL	(\$275,000)
	<u>\$393,000</u>

Sec. 1034. 2018 c 2 s 1036 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Capitol Lake Long-Term Management Planning (30000740)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop an environmental impact statement to consider alternatives for Capitol Lake. The alternatives considered must include, at a minimum, a lake option, an estuary option, and a hybrid option. The environmental impact statement will also consider sediment transport and locations within lower Budd Inlet. The department must work with affected stakeholders to develop mitigation plans. The environmental impact statement must also consider an expanded area around Capitol Lake and Budd Inlet including the Port of Olympia for the economic analysis. The environmental impact statement must consider the use of equal funding from nonstate entities including, but not limited to, local governments, special purpose districts, tribes, and not-for-profit organizations.

Appropriation:

State Building Construction Account—State	(\$2,500,000)
	<u>\$4,000,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	(\$940,000)
	<u>\$0</u>
TOTAL	(\$3,440,000)
	<u>\$4,000,000</u>

NEW SECTION. Sec. 1035. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

Newhouse Replacement (92000020)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a predesign

study to determine space needs and cost estimates necessary to replace the Irv Newhouse Building and add house of representatives office space with a building or buildings to serve the legislative office needs on west campus.

(1) In determining the program space required the predesign will consider:

(a) The necessary program space required to support senate offices and support functions;

(b) The necessary program space required to support house offices and support functions; and

(c) Parking impacts of new office space construction.

(2) The study will consider, at a minimum the following three options:

(a) A 50,000 to 70,000 square foot office building to support senate offices, with four levels of underground parking, and a 50,000 to 70,000 square foot office building to support house offices to be located on the Pritchard Building parking lot, with necessary underground parking.

(b) A 115,000 to 140,000 square foot office building to support both house and senate offices with four levels of underground parking.

(c) A 50,000 to 70,000 square foot office building to support senate offices, with no parking.

(3) In conducting the study, the department must consult with the house of representatives, the senate, and the tenants.

(4) The buildings must be high performance buildings and meet net-zero-ready standards, with an energy use intensity of no greater than 35. The building construction must be procured using a performance-based method such as design build and must include an energy performance guarantee comparing actual performance data with the energy design target.

Appropriation:

State Building Construction Account—State	\$450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

Sec. 1036. 2018 c 2 s 1050 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Thurston County Readiness Center (30000594)

Appropriation:

General Fund—Federal	\$33,315,000
State Building Construction Account—State	(\$7,863,000)
	<u>\$8,600,000</u>
Military Department Capital Account—State	(\$375,000)
	<u>\$802,000</u>
Subtotal Appropriation	(\$41,553,000)
	<u>\$42,717,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$41,553,000)
	<u>\$42,717,000</u>

Sec. 1037. 2018 c 2 s 1051 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Preservation 2017-19 Biennium (30000811)

Appropriation:

General Fund—Federal	(\$3,776,000)
	<u>\$3,933,000</u>
State Building Construction Account—State	\$1,821,000
<u>Military Department Capital Account—State</u>	<u>\$51,000</u>
Subtotal Appropriation	(\$5,597,000)
	<u>\$5,805,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$5,597,000)
	<u>\$5,805,000</u>

Sec. 1038. 2018 c 2 s 1052 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Program 2017-19 Biennium (30000812)

Appropriation:

General Fund—Federal	(\$10,171,000)
	<u>\$21,961,000</u>
<u>Military Department Capital Account—State</u>	<u>\$75,000</u>
State Building Construction Account—State	\$2,661,000
Subtotal Appropriation	(\$12,832,000)
	<u>\$24,697,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$12,832,000)
	<u>\$24,697,000</u>

PART 2

HUMAN SERVICES

Sec. 2001. 2018 c 2 s 2001 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Omnibus Minor Works (30000021)

Appropriation:

State Building Construction Account—State	(\$740,000)
	<u>\$800,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$740,000)
	<u>\$800,000</u>

Sec. 2002. 2018 c 2 s 2002 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Behavioral Health: Compliance with Systems Improvement Agreement (30003849)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6008, chapter 4, Laws of 2017, 3rd sp. sess.

Reappropriation:

State Building Construction Account—State	\$2,720,000
---	-------------

Appropriation:

State Building Construction Account—State	\$2,900,000
Prior Biennia (Expenditures)	\$3,280,000
Future Biennia (Projected Costs)	\$0
TOTAL	((\$6,000,000))
	<u>\$8,900,000</u>

Sec. 2003. 2018 c 2 s 2006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works Preservation Projects: Statewide (30002235)

Appropriation:

State Building Construction Account—State	((\$12,000,000))
	<u>\$12,530,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$171,510,000
TOTAL	((\$183,510,000))
	<u>\$184,040,000</u>

Sec. 2004. 2018 c 2 s 2008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen - Housing Unit: Acute Mental Health Unit (30002736)

Appropriation:

State Building Construction Account—State	((\$9,520,000))
	<u>\$9,806,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$9,520,000))
	<u>\$9,806,000</u>

Sec. 2005. 2018 c 2 s 2009 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide - RA Community Facilities: Safety & Security Improvements (30002737)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account—State	((\$2,000,000))
	<u>\$200,000</u>
State Building Construction Account—State	<u>\$1,800,000</u>
Subtotal Appropriation	<u>\$2,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 2006. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Firecrest School - Nursing Facilities: Replacement (30002755)

The appropriation in this section is subject to the following conditions and limitations:

- (1)(a) A predesign must include the following options: (i) An option with capacity for 100 beds of the intermediate care facility residents with either new construction or remodel of an existing building; (ii) an option with capacity for

100 to 150 beds of the intermediate care facility residents with either new construction or remodel of an existing building; and (iii) purchase of a recently closed nursing facility in King county.

(b) Options must include the number of beds required, necessary staffing models, total operating costs with fund sources, and laundry options. The report must include methods to include up to 10 percent of the beds as adaptive for other uses. The report must also address moving residents with an option for a compressed schedule.

(2) The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018.

Appropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,115,000
TOTAL	\$17,415,000

NEW SECTION. **Sec. 2007.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School - Nursing Facility (92000027)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) A predesign must include the following options: (i) An option with capacity for 100 beds of the intermediate care facility residents with either new construction or remodel of an existing building; (ii) an option with capacity for 100 to 150 beds of the intermediate care facility residents with either new construction or remodel of an existing building; and (iii) purchase of a recently closed nursing facility in Pierce county.

(b) Options must include the number of beds required, necessary staffing models, total operating costs with fund sources, and laundry options. The report must include methods to include up to 10 percent of the beds as adaptive for other uses. The report must also address moving residents with an option for a compressed schedule.

(2) The predesign must be reported to the fiscal committees of the house and senate by November 1, 2018.

Appropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,115,000
TOTAL	\$17,415,000

Sec. 2008. 2018 c 2 s 2012 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School - Recreation Building: Replacement (30003237)

Appropriation:

State Building Construction Account—State	(\$1,312,000)
	\$1,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,000,000
TOTAL	(\$12,312,000)

\$12,200,000

Sec. 2009. 2018 c 2 s 2013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center: CLIP Capacity (30003324)

Appropriation:

State Building Construction Account—State	((<u>\$12,130,000</u>))
	<u>\$12,494,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((<u>\$12,130,000</u>))
	<u>\$12,494,000</u>

Sec. 2010. 2018 c 2 s 2014 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center - King County SCTF: Expansion (30003564)

The appropriation in this section is subject to the following conditions and limitations: No funds may be allotted until the department consults with the city of Seattle.

Appropriation:

State Building Construction Account—State	((<u>\$2,570,000</u>))
	<u>\$2,610,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((<u>\$2,570,000</u>))
	<u>\$2,610,000</u>

NEW SECTION. Sec. 2011. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Yakima Valley School - Multiple Buildings: Safety Improvements (30003573)

Appropriation:

State Building Construction Account—State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

Sec. 2012. 2018 c 2 s 2021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School: Campus Master Plan & Rezone (30003601)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is for the fircrest school campus master plan and rezone.
- (2) At any time during the 2017-2019 biennium, the department of social and health services may transfer to the department of health approximately five acres east of the existing department of health property for the purpose of future expansion of the public health laboratory by the department of health, in

accordance with the master plans of both agencies. Funds appropriated in this section may be used for expenses incidental to the transfer of the property.

(3) The department must consult with the north city water district in any planning meetings on the fircrest master plan.

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account—State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

Sec. 2013. 2018 c 2 s 2024 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital - Building 28: Treatment & Recovery Center (4000024)

Appropriation:

State Building Construction Account—State	(\$1,000,000)
	<u>\$600,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,475,000
TOTAL	(\$7,475,000)
	<u>\$7,075,000</u>

Sec. 2014. 2018 c 2 s 2025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital Forensic Ward (91000050)

Appropriation:

State Building Construction Account—State	(\$2,800,000)
	<u>\$3,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,800,000)
	<u>\$3,000,000</u>

Sec. 2015. 2018 c 2 s 2026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Wards Renovations for Forensic Services (4000026)

The appropriation in this section is subject to the following conditions and limitations: Up to \$1,560,000 of the appropriation is for predesign and design of the building 29 civil to forensic capacity conversion project. However, the renovation of sixty beds in building 29 for forensic capacity is not subject to predesign requirements. The department must immediately start the sixty bed renovation project and may use a general contractor/construction manager or progressive design build for the renovation of the sixty beds.

Appropriation:

State Building Construction Account—State	(\$1,560,000)
	<u>\$10,560,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,600,000
TOTAL	(\$11,160,000)

\$20,160,000

NEW SECTION. Sec. 2016. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital: Renovations for Treatment Recovery Center (40000029)

Appropriation:

State Building Construction Account—State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,875,000
TOTAL	\$5,275,000

NEW SECTION. Sec. 2017. 2018 c 2 s 2030 (uncodified) is repealed.

NEW SECTION. Sec. 2018. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Pine Lodge Behavioral Rehabilitation Services (91000061)

Appropriation:

State Building Construction Account—State	\$1,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,400,000

NEW SECTION. Sec. 2019. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Appropriation:

State Building Construction Account—State	\$2,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,400,000

NEW SECTION. Sec. 2020. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Additional Forensic Ward (91000062)

Appropriation:

State Building Construction Account—State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 2021. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile Confinement Facilities Expansion (92000028)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall develop a predesign study that provides an assessment of beds required to support the requirements of legislation, including

chapter . . . (Substitute House Bill No. 2895), Laws of 2018 and chapter . . . (Engrossed Second Substitute Senate Bill No. 6160), Laws of 2018.

(2) The study must assess (a) the inventory of available beds in any state facility or other public facility that may be available for this purpose including county facilities and surplus state facilities; (b) any costs required to make the beds useable for the purposes in this section; (c) the schedule for each facility to be available; and (d) any obstacles that may prevent the use of the facility.

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 2022. 2018 c 2 s 2031 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Newborn Screening Wing Addition (30000301)

Appropriation:

State Building Construction Account—State	(\$2,510,000)
	\$2,585,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,510,000)
	\$2,585,000

NEW SECTION. Sec. 2023. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Building 10 (40000004)

Appropriation:

State Building Construction Account—State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 2024. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Soldiers Home Cemetery Restoration and Preservation (91000011)

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

Sec. 2025. 2018 c 2 s 2042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

CBCC: Boiler Replacement (30000130)

The appropriation in this section is subject to the following conditions and limitations: The ~~((appropriation is provided solely for the department to develop a pre-design. The))~~ department shall develop a pre-design for replacing the current boilers. The alternatives must include replacing the current boiler configuration

with three or ((less)) fewer boilers with a life cycle cost analysis that identifies the most efficient solution over thirty years. At least one alternative must consider cogeneration. The office of financial management must approve the predesign before design funds are ((~~allotted~~)) allotted.

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 2026. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

CBCC: Replace Fire Alarm System (30000748)

Appropriation:

State Building Construction Account—State	\$355,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$355,000

NEW SECTION. Sec. 2027. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

WCCW: Bldg E Roof Replacement (30000810)

Appropriation:

State Building Construction Account—State	\$2,696,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,696,000

Sec. 2028. 2018 c 2 s 2046 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

CBCC: Access Road Culvert Replacement and Road Resurfacing (30001078)

Appropriation:

State Building Construction Account—State	(\$1,100,000)
	<u>\$2,180,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$1,100,000)
	<u>\$2,180,000</u>

Sec. 2029. 2018 c 2 s 2047 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

WSP: Program and Support Building (30001101)

Appropriation:

State Building Construction Account—State	(\$8,685,000)
	<u>\$9,685,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$8,685,000)

\$9,685,000

Sec. 2030. 2018 c 2 s 2054 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Correctional Industries: Laundry Feasibility Study (40000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall conduct a feasibility study to assess whether correctional industries can efficiently provide laundry services to Lakeland Village, eastern state hospital, and/or the Spokane veteran's home.

The study shall include: (a) The identification of the resources required, including the estimated capital and operating investment costs and ongoing operating costs for the department at the airway heights corrections center to provide laundry services to the facilities referenced in this section; (b) an assessment of contraband management and the resources needed to do so; (c) an assessment of how the department will meet health regulations for laundry in a hospital setting; (d) the advantages and disadvantages of the department providing laundry services to the facilities referenced in this section; and (e) identification of logistics and operations to meet the demands.

The department shall provide the feasibility study to the office of financial management and appropriate committees of the legislature by (~~October 15~~) December 15, 2018.

(2) The department of social and health services and the department of veterans affairs shall provide to the department of corrections detailed information on their current laundry operations at Lakeland Village, eastern state hospital and the Spokane veteran's home including but not limited to pounds of laundry per day, staffing, equipment inventory, materials purchased, and estimated utility costs.

Appropriation:

State Building Construction Account—State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. **Sec. 2031.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

L&I HQ Elevators (30000018)

Appropriation:

Accident Account—State	\$517,000
Medical Aid Account—State	\$517,000
Subtotal Appropriation	\$1,034,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,900,000
TOTAL	\$3,934,000

**PART 3
NATURAL RESOURCES**

Sec. 3001. 2018 c 2 s 3010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Floodplains by Design 2017-19 (30000706)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$75,000 of the appropriation is provided solely for the department of ecology to convene and facilitate a stakeholder process to review and make recommendations for the statutory authorizations and improvements of the floodplains by design grant program.

(b) The review must include an analysis of:

(i) Statewide funding needs;

(ii) Program design, including criteria, information, and coordination required for projects to proceed through the selection and funding processes in a transparent and efficient manner; and

(iii) Mechanisms to improve efficiency and transparency of project funding and implementation.

(c) The department of ecology may convene stakeholders and facilitate activities as needed. The department must develop recommendations in consultation with the Puget Sound partnership. The department must seek input and meaningfully involve a broad base of tribal governments and interested stakeholders, including city and county governments, and agricultural, flood risk reduction, and conservation interests. The department must seek broad and diverse legislative input and invite interested legislators to provide information and ideas including, at a minimum, the majority and minority leadership of the committees responsible for the capital budget in the senate and house of representatives.

(d) The final report must include recommended statutory and policy changes to the appropriate committees of the legislature on or before December 1, 2018.

Appropriation:

State Building Construction Account—State	(\$35,389,000)
	\$35,464,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$35,389,000)
	\$35,464,000

NEW SECTION. Sec. 3002. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Remedial Action Grants (30000707)

Appropriation:

Local Toxics Control Account—State	\$5,877,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	\$85,877,000

NEW SECTION. Sec. 3003. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Eastern Washington Clean Sites Initiative (30000742)

Appropriation:

State Toxics Control Account—State	\$1,740,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$40,000,000
TOTAL	\$41,740,000

NEW SECTION. Sec. 3004. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Clean Up Toxic Sites - Puget Sound (30000749)

Appropriation:

State Toxics Control Account—State	\$2,182,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$40,000,000
TOTAL	\$42,182,000

Sec. 3005. 2018 c 2 s 3021 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

2017-19 Stormwater Financial Assistance Program (30000796)

The appropriation in this section is subject to the following conditions and limitations: \$10,000,000 of the appropriation is provided solely for grants for stormwater retrofit projects consistent with the immediate actions and recommendations developed by the southern resident killer whale recovery efforts that reduce stormwater pollutants in areas where southern resident killer whales are regularly present.

Appropriation:

State Building Construction Account—State	\$25,000,000
State Toxics Control Account—State	\$11,400,000
<u>Subtotal Appropriation</u>	<u>\$36,400,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$120,000,000
TOTAL	(\$145,000,000)
	<u>\$156,400,000</u>

Sec. 3006. 2018 c 2 s 3015 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Columbia River Water Supply Development Program (30000712)

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

(1) \$10,000,000 of the appropriations are provided solely for the east Columbia basin irrigation district.

(2) \$5,000,000 of the appropriations are provided solely for a ~~((forty seven and one half mile pipeline for full capacity. Funds must be prioritized to constructing the distribution system to a capacity serving no less than eleven thousand acres))~~ ground water replacement distribution system with a pump station located at east low canal mile 47.5. Funds must be prioritized to include costs associated with the pump station, pumps and electrical/power grid system that has the capacity to ultimately serve 10,500 eligible acres in the distribution service area. Any remaining funds must be directed to the Odessa groundwater replacement program.

(3) \$2,000,000 of the appropriations are provided solely for Icicle Creek integrated planning.

(4) \$16,800,000 of the appropriations are provided solely for the department to fund existing projects and staffing.

Appropriation:

State Building Construction Account—State	\$19,550,000
Columbia River Basin Water Supply Development Account—State	\$12,250,000
Columbia River Basin Water Supply Revenue Recovery Account—State	\$2,000,000
Subtotal Appropriation	\$33,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$72,000,000
TOTAL	\$105,800,000

Sec. 3007. 2018 c 2 s 3018 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies Program (30000740)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for technical assistance and grants to conservation districts for the purpose of implementing water conservation measures and irrigation efficiencies. The department and the state conservation commission shall give preference to projects located in the 16 fish critical basins, other water-short or drought impacted basins, and basins with significant water resource and instream flow issues. Projects that are not within the basins described in this subsection are also eligible to receive funding.

(2) Conservation districts statewide are eligible for grants listed in subsection (1) of this section. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of the public investment may not exceed eighty-five percent of the total cost of the conservation measure or irrigation efficiency.

(3) Up to \$300,000 of the appropriation in this section may be allocated for the purchase and installation of flow meters that are implemented in cooperation with the Washington state department of fish and wildlife fish screening program authorized under RCW 77.57.070.

(4) \$2,500,000 of the appropriation is provided solely for a grant to the Union Gap irrigation district to mitigate potential asset loss associated with Rattlesnake Ridge landslide in Yakima county and includes, but is not limited to, construction of a pumping station adjacent to the Sunnyside irrigation district canal and installation of pipe and conveyance under the Yakima Valley highway to the Union Gap irrigation canal. The grant must require that the Union Gap irrigation district should pursue funding or reimbursement of costs from potential sources of reimbursement. The grant must further require that, if the total proceeds exceed total mitigation costs for this work, the irrigation district

must reimburse the difference up to the amount paid by the state to the state conservation commission.

Appropriation:

State Building Construction Account—State . . . . .	..(((\$4,000,000))
	<u>\$6,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL . . . . .	..(((\$4,000,000))
	<u>\$6,500,000</u>

Sec. 3008. 2018 c 2 s 3025 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

VW Settlement Funded Projects (40000018)

~~((The appropriation in this section is subject to the following conditions and limitations:~~

~~(1) The legislature finds that it is appropriate to provide a framework for the administration of mitigation funds provided to the state as a beneficiary under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years. The legislature deems the department of ecology the responsible agency for the administration and expenditure of funds provided by the trustee under the terms of the consent decrees, including the development of a mitigation plan to guide the use of the funds, whether or not the department receives funds directly for projects included in the plan.~~

~~(2)(a) The department of ecology shall develop the mitigation plan through an open, transparent public process consistent with direction in the consent decrees. The department shall provide ample opportunity using a variety of engagement options, as appropriate, for stakeholders and the public to shape, review, and comment throughout the development of the mitigation plan, including at least two meetings of the legislative advisory group as described in (c) of this subsection.~~

~~(b) The department of ecology shall work collaboratively with other agencies to develop and implement the elements of the mitigation plan that address categories of projects for which other agencies have already developed programs or expertise. In doing so, the department of ecology must consider and utilize, where appropriate and to the extent possible, the following existing programs for alternative fuels and zero emission vehicles:~~

- ~~(i) The department of transportation's electric vehicle infrastructure bank program;~~
- ~~(ii) The state alternative fuel commercial vehicle tax credit;~~
- ~~(iii) The state sales and use tax exemption for clean vehicles; and~~
- ~~(iv) Public transportation grant programs administered by the department of transportation.~~

~~(c)(i) For the purposes of providing legislative input and gathering public feedback on the development of the mitigation plan, a legislative advisory group is established. The advisory group is comprised of eight legislators, including the chairs and ranking members, or designees of the chairs and ranking members, of the transportation and capital budget committees in the House and~~

in the Senate; the director of the department of ecology; and the secretary of the department of transportation.

(ii) The advisory group must select a chair from among its membership. Meetings of the advisory group must be open to the public and allow for public comment.

(iii) The advisory group must meet at least twice, once immediately prior to the date that the draft mitigation plan is released publicly, and again after public comment has been incorporated but before the department submits the plan to the trustee.

(iv) The office of program research and the senate committee services must provide staff support to the advisory group. The department of ecology staff must provide technical support, as needed. Legislative members of the advisory group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, government entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW. Advisory group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(3) The mitigation plan and the stewardship of project implementation must adhere to the following principles:

(a) Maximize air quality and public health benefits relating to the reduction of nitrogen oxides emissions;

(b) Give priority to projects that improve air quality relating to the reduction of nitrogen oxides emissions in areas that bear a disproportionate share of the burden from nitrogen oxides emissions;

(c) Achieve substantial additional air quality benefits relating to the reduction of nitrogen oxides emissions beyond that which would already occur, absent trust funding;

(d) Investments in clean vehicles or investments in clean engine replacements must be shown to be cost-effective. For the purposes of leveraging funding, investments in clean vehicles may not exceed the incremental cost of the clean vehicle, relative to the cost of a similar conventionally fueled vehicle. To incentivize the replacement of standard engines, investments may be made up to the full cost of the clean engine replacement;

(e) Consideration must be given to investments across a range of fueling technologies and emissions reduction technologies; and

(f) Priority must be given to projects that have the highest benefit-cost ratios, in terms of the amount of nitrogen oxides emissions reduced per dollar invested.

(4) Funding must be allocated to eligible projects under the terms of the consent decrees in the following manner:

(a)(i) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through eight transit buses, shuttle buses, and school buses;

(ii) No more than thirty percent of funding provided during the 2017-2019 biennium for commercial vehicle class eight local freight trucks and port drayage trucks;

~~(iii) No more than twenty percent of funding provided during the 2017-2019 biennium for commercial vehicle class four through seven local freight trucks;~~

~~(iv) No more than twenty percent of funding provided during the 2017-2019 biennium for airport ground support equipment;~~

~~(v) No more than twenty percent of funding provided during the 2017-2019 biennium for ocean-going vessels' shore power;~~

~~(vi) No more than fifteen percent of funding provided during the 2017-2019 biennium for light duty, zero-emission vehicle supply equipment;~~

~~(vii) No more than twenty percent of funding provided during the 2017-2019 biennium for nonfederal matching funds for projects eligible under the diesel emission reduction act option; and~~

~~(viii) For each of the other categories of mitigation actions that are eligible under the consent decrees but not otherwise specified under this subsection (4)(a), no more than ten percent of funding provided during the 2017-2019 biennium.~~

~~(b) Projects that receive funding under subsection (4)(a)(ii) and (iii) of this section and ocean-going vessels shorepower projects that receive funding under subsection (4)(a)(viii) of this section must include electric technologies, if practicable.~~

~~(5) To the extent this section conflicts with the consent decrees, the consent decrees supersede it.~~

~~(6) The department of ecology may modify the mitigation plan as needed to comply with trustee requirements, including to the extent these modifications conflict with this section. In making any adjustments, the department of ecology shall consult with the department of transportation and the office of the superintendent of public instruction and provide notice to the steering committee of any significant changes to the plan submitted.~~

~~(7) The department of ecology shall provide a report to the governor and the appropriate committees of the legislature by January 1, 2018, and each year thereafter, on any plans or efforts to change the mitigation plan, its progress in implementing the mitigation plan, and the specific projects funded through these mitigation funds for the previous fiscal year.~~

~~(8) For the purposes of this section:~~

~~(a) "Project" means an eligible mitigation action under the terms of the consent decrees entered into by the United States, Volkswagen AG, and other participating parties that settle emissions-related claims for 2.0 and 3.0 liter diesel vehicles of certain models and years.~~

~~(b) "Trustee" means the entity selected under the terms of the consent decrees to administer the disbursement of funds to eligible projects for the purposes of mitigating nitrogen oxides emission pollution.)~~

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the requirements of the Volkswagen "clean diesel" marketing, sales practice, and products liability litigation settlement.

(2) All expenditures from this appropriation must:

(a) Be consistent with the terms of this settlement;

(b) Be consistent with the state of Washington beneficiary mitigation plan adopted by the department and approved by the Volkswagen settlement trustee; and

(c) Help achieve the state's results Washington goal of fifty thousand electric vehicles on the road by 2020.

(3) Fifteen percent of this appropriation must be spent on projects for the acquisition, installation, operation, and maintenance of new light duty zero emission vehicle supply equipment and infrastructure. The department of ecology shall work with the department of transportation to select projects and distribute funding contained in this subsection.

(4) The remaining eighty-five percent of this appropriation must be spent on projects as defined by the eligible categories in attachment A, appendix D-2 of the Volkswagen settlement and upon approval by the settlement trustee. The department of ecology shall use a competitive process to identify and select projects that maximize total air pollution reduction and health benefits; improve air quality in areas disproportionately affected by air pollution; leverage additional matching funds; achieve substantial emission reductions beyond what would occur absent this funding; accelerate fleet turnover to the cleanest engines, and accelerate adoption of electric vehicles, equipment, and vessels. The department of ecology shall work with the department of transportation as appropriate to select projects and distribute funding contained in this subsection.

Appropriation:

General Fund—Private/Local . . . . .	..((\$20,000,000))
	<u>\$112,700,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL . . . . .	..((\$20,000,000))
	<u>\$112,700,000</u>

NEW SECTION. Sec. 3009. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Healthy Housing Remediation Program (40000108)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$5,100,000 of the appropriation is provided solely for the Mount Baker property cleanup project.

(2)(a) The department, in collaboration with the department of commerce, shall develop a competitive process to select projects for funding, to include scoring conducted by a group of qualified experts from the department of ecology and the department of commerce. The criteria used to determine the scoring and priority for funding must include, but are not limited to, the following:

- (i) Contaminated sites must be within the urban growth area boundaries;
- (ii) Contaminated sites must be zoned for residential or mixed-use;
- (iii) Locational suitability of contaminated sites for the development of affordable housing;
- (iv) Degree of contamination and complexity of contaminated sites;
- (v) Timing of delivery of affordable housing units; and

(vi) The extent to which the project leverages other funds.

(b) Funding recipients must restrict the use of the cleaned up property to affordable housing.

(c) As part of the program, the department of ecology may enter into and administer grants or other funding agreements for contaminated site identification, planning, investigation, or cleanup eligible persons, to ensure the safe and healthy development of property suitable for affordable housing as defined in RCW 43.63A.510(3). Eligible persons means a local government, a potentially liable person, or a prospective purchaser as each of these terms is defined in RCW 70.105D.020.

(d) By October 1, 2018, the department must submit a report to the office of financial management and the legislature. At a minimum, the report must identify:

(i) Program application and selection process;

(ii) The total number of applications and amount of funding requested for this program; and

(iii) A list of projects, description of projects, and location and number of affordable housing units developed or to be developed.

Appropriation:

State Toxics Control Account—State	\$5,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,400,000
TOTAL	\$25,500,000

NEW SECTION. **Sec. 3010.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Reduce Air Pollution from Transit/Sch. Buses/State-Owned Vehicles and Vehicles Serving Ports (40000109)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department of ecology to enter into and administer grants to scrap and replace old, high-polluting diesel school buses, transit buses, and other vehicles with low-emission and zero-emission vehicles.

(2) All expenditures from this appropriation must be spent on projects that will reduce air pollution, improve public health for thousands of Washington residents, help prevent violations of federal air quality standards, reduce operating costs, and improve transportation reliability for public fleet operators.

(3) Up to \$12,000,000 of the appropriation is for scrapping and replacing pre-2001, high polluting school buses across the state with diesel or alternate fueled (propane, compressed natural gas, zero emission, etc.) school buses that meet current federal emissions standards.

(4) Up to \$9,750,000 of the appropriation is for scrapping and replacing pre-2007 diesel, high polluting transit buses across the state with new electric, zero-emission buses.

(5) Up to \$5,450,000 of the appropriation is for replacing state government-owned gas or diesel powered passenger vehicles with all electric vehicles.

(6) \$1,200,000 is for the Northwest seaport alliance for a clean truck fund managed by a certified community development alliance.

Appropriation:

Air Pollution Control Account—State	\$28,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,400,000

*Sec. 3011. 2018 c 2 s 3027 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Availability (91000343)

(1) The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for watershed restoration and enhancement projects. If chapter 1 (Substitute Senate Bill No. 6091 (water availability)), Laws of 2018 is not enacted by June 30, 2018, the amounts provided in this section shall lapse.

(2) \$2,500,000 of the appropriation is provided solely for the Dungeness off-channel reservoir, including transaction-related expenses by the department of natural resources.

(3) \$900,000 of the appropriation is provided solely for the Methow valley piping, pressurization, and conveyance system consolidation project.

(4) \$3,000,000 of the appropriation is provided solely for the Colville river watershed plan update and water resource mitigation and enhancement project.

Appropriation:

Watershed Restoration and Enhancement Bond Account—State	\$20,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$280,000,000
TOTAL	\$300,000,000

*Sec. 3011 is partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 3012. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Skagit Water (91000347)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$500,000 of the appropriation is provided solely for the department of agriculture, the department of fish and wildlife, and the department of ecology to jointly pursue studies to evaluate instream flow needs and existing and future out-of-stream water use demands within Skagit river water resource inventory area 4 (Upper Skagit) regulated by chapter 173-503 WAC. These studies must be completed and reported to the appropriate legislative committees and task force by December 1, 2019.

(b) These studies must be based on best available science and peer-reviewed by those with demonstrated instream flow expertise.

(2) \$2,000,000 of the appropriation is provided solely for studies identified by the task force established in section 7011 of this act.

Appropriation:

State Building Construction Account—State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

Sec. 3013. 2018 c 2 s 3029 (uncodified) is amended to read as follows:

FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Underground Storage Tank Capital Financing Assistance Pgm 2017-19 (92000001)

Appropriation:

PLIA Underground Storage Tank Revolving Account—State	(\$20,000,000)
	\$12,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	(\$100,000,000)
	\$92,700,000

Sec. 3014. 2018 c 2 s 3030 (uncodified) is amended to read as follows:

FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

Leaking Tank Model Remedies (30000669)

The appropriation in this section is subject to the following conditions and limitations: The appropriation may be used for staff costs to support the program.

Appropriation:

State Building Construction Account—State	\$1,106,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,106,000

Sec. 3015. 2018 c 2 s 3031 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Twin Harbors State Park: Renovation (30000086)

Appropriation:

State Building Construction Account—State	(\$471,000)
	\$496,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$25,986,000
TOTAL	(\$26,457,000)
	\$26,482,000

Sec. 3016. 2018 c 2 s 3032 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Flagler - WWI Historic Facilities Preservation (30000100)

Appropriation:

State Building Construction Account—State	(\$3,217,000)
	\$3,386,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,823,000
TOTAL	(\$7,040,000)
	\$7,209,000

Sec. 3017. 2018 c 2 s 3033 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Casey - Lighthouse Historic Preservation (30000109)

Appropriation:

State Building Construction Account—State	.....	(\$206,000)
		<u>\$217,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$1,399,000
TOTAL	.....	(\$1,605,000)
		<u>\$1,616,000</u>

Sec. 3018. 2018 c 2 s 3034 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Simcoe - Historic Officers Quarters Renovation (30000155)

Appropriation:

State Building Construction Account—State	.....	(\$277,000)
		<u>\$292,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$1,478,000
TOTAL	.....	(\$1,755,000)
		<u>\$1,770,000</u>

Sec. 3019. 2018 c 2 s 3035 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Chelan State Park Moorage Dock Pile Replacement (30000416)

Appropriation:

State Building Construction Account—State	.....	(\$1,516,000)
		<u>\$1,596,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	(\$1,516,000)
		<u>\$1,596,000</u>

Sec. 3020. 2018 c 2 s 3036 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Marine Facilities - Various Locations Moorage Float Replacement (30000496)

Appropriation:

State Building Construction Account—State	.....	(\$541,000)
		<u>\$569,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$10,639,000
TOTAL	.....	(\$11,180,000)
		<u>\$11,208,000</u>

Sec. 3021. 2018 c 2 s 3037 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Willapa Hills Trail Develop Safe Multi-Use Trail Crossing at SR 6 (30000519)

Appropriation:

State Building Construction Account—State	.....	(\$401,000)
		<u>\$422,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,817,000
TOTAL	<u>(\$4,218,000)</u>
	<u>\$4,239,000</u>

Sec. 3022. 2018 c 2 s 3038 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Beacon Rock Entrance Road Realignment (30000647)

Appropriation:

State Building Construction Account—State	<u>(\$348,000)</u>
	<u>\$366,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,346,000
TOTAL	<u>(\$17,694,000)</u>
	<u>\$17,712,000</u>

Sec. 3023. 2018 c 2 s 3039 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Goldendale Observatory - Expansion (30000709)

Appropriation:

State Building Construction Account—State	<u>(\$2,250,000)</u>
	<u>\$2,700,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,250,000
TOTAL	<u>(\$4,500,000)</u>
	<u>\$4,950,000</u>

Sec. 3024. 2018 c 2 s 3040 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Kopachuck Day Use Development (30000820)

Appropriation:

State Building Construction Account—State	<u>(\$5,538,000)</u>
	<u>\$5,619,000</u>

Prior Biennia (Expenditures)	\$296,000
Future Biennia (Projected Costs)	\$2,812,000
TOTAL	<u>(\$8,646,000)</u>
	<u>\$8,727,000</u>

Sec. 3025. 2018 c 2 s 3044 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden - Replace Failing Sewer Lines (30000860)

Appropriation:

State Building Construction Account—State	<u>(\$2,204,000)</u>
	<u>\$2,320,000</u>

Prior Biennia (Expenditures)	\$234,000
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$2,438,000)</u>
	<u>\$2,554,000</u>

Sec. 3026. 2018 c 2 s 3045 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Birch Bay - Replace Failing Bridge (30000876)

Appropriation:

State Building Construction Account—State	(\$320,000)
	<u>\$337,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,032,000
TOTAL	<u>(\$1,352,000)</u>
	<u>\$1,369,000</u>

Sec. 3027. 2018 c 2 s 3046 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden - Pier & Marine Learning Center Improve or Replace (30000950)

Appropriation:

State Building Construction Account—State	(\$697,000)
	<u>\$734,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,072,000
TOTAL	<u>(\$9,769,000)</u>
	<u>\$9,806,000</u>

Sec. 3028. 2018 c 2 s 3047 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Field Spring Replace Failed Sewage Syst and Non-ADA Comfort Station (30000951)

~~((The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a pilot program for new Firelight toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.))~~

Appropriation:

State Building Construction Account—State	(\$1,109,000)
	<u>\$1,167,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$1,109,000)</u>
	<u>\$1,167,000</u>

Sec. 3029. 2018 c 2 s 3048 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Mount Spokane - Maintenance Facility Relocation From Harms Way (30000959)

Appropriation:

State Building Construction Account—State	(\$2,018,000)
	<u>\$2,124,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$2,018,000)</u>
	<u>\$2,124,000</u>

Sec. 3030. 2018 c 2 s 3049 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - Depression Era Structures Restoration Assessment (30000966)

Appropriation:

State Building Construction Account—State	..((\$1,093,000)	<u>\$1,151,000</u>
Prior Biennia (Expenditures)	.....	\$121,000
Future Biennia (Projected Costs)	.....	\$3,859,000
TOTAL	..((\$5,073,000)	<u>\$5,131,000</u>

Sec. 3031. 2018 c 2 s 3051 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Dash Point - Replace Bridge (Pedestrian) (30000972)

Appropriation:

State Building Construction Account—State	..((\$553,000)	<u>\$582,000</u>
Prior Biennia (Expenditures)	.....	\$165,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	..((\$718,000)	<u>\$747,000</u>

Sec. 3032. 2018 c 2 s 3055 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Program (30000979)

Appropriation:

State Building Construction Account—State	..((\$1,845,000)	<u>\$1,491,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	..((\$1,845,000)	<u>\$1,491,000</u>

Sec. 3033. 2018 c 2 s 3056 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Moran Summit Learning Center - Interpretive Facility (30000980)

Appropriation:

State Building Construction Account—State	..((\$964,000)	<u>\$1,015,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	..((\$964,000)	<u>\$1,015,000</u>

Sec. 3034. 2018 c 2 s 3057 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Penrose Point Sewer Improvements (30000981)

Appropriation:

State Building Construction Account—State	..((\$428,000)	<u>\$450,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	..((\$428,000)	<u>\$450,000</u>

Sec. 3035. 2018 c 2 s 3058 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Palouse Falls Day Use Area Renovation (30000983)

Appropriation:

State Building Construction Account—State	(\$209,000)
	<u>\$220,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,359,000
TOTAL	<u>(\$4,568,000)</u>
	<u>\$4,579,000</u>

Sec. 3036. 2018 c 2 s 3059 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Sunset Beach Picnic Area (30000984)

Appropriation:

State Building Construction Account—State	(\$2,622,000)
	<u>\$2,760,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$2,622,000)</u>
	<u>\$2,760,000</u>

Sec. 3037. 2018 c 2 s 3060 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Water System Renovation (30001016)

Appropriation:

State Building Construction Account—State	(\$475,000)
	<u>\$500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,996,000
TOTAL	<u>(\$5,471,000)</u>
	<u>\$5,496,000</u>

Sec. 3038. 2018 c 2 s 3061 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Septic System Renovation (30001017)

Appropriation:

State Building Construction Account—State	(\$238,000)
	<u>\$250,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,016,000
TOTAL	<u>(\$5,254,000)</u>
	<u>\$5,266,000</u>

Sec. 3039. 2018 c 2 s 3062 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Electrical System Renovation (30001018)

Appropriation:

State Building Construction Account—State	(\$713,000)
	<u>\$750,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,058,000

TOTAL	(\$5,771,000)
	<u>\$5,808,000</u>

Sec. 3040. 2018 c 2 s 3063 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide New Park (30001019)

Appropriation:

State Building Construction Account—State	(\$297,000)
	<u>\$313,000</u>

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$11,114,000

TOTAL	(\$11,411,000)
	<u>\$11,427,000</u>

Sec. 3041. 2018 c 2 s 3064 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Trail Renovations (Footbridges) (30001021)

Appropriation:

State Building Construction Account—State	(\$266,000)
	<u>\$280,000</u>

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$798,000

TOTAL	(\$1,064,000)
	<u>\$1,078,000</u>

Sec. 3042. 2018 c 2 s 3065 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden Replace Failing Water Lines (30001022)

Appropriation:

State Building Construction Account—State	(\$358,000)
	<u>\$377,000</u>

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$3,817,000

TOTAL	(\$4,175,000)
	<u>\$4,194,000</u>

NEW SECTION. Sec. 3043. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Comfort Station Pilot Project (91000433)

The appropriation is provided solely for a pilot program for new fire light toilets. The commission may sole source for the equipment. The commission must operate and maintain the equipment for a minimum of two years and report annually to legislative fiscal committees on: (1) The ease of use by parks patrons and (2) the cost and time to maintain the equipment.

Appropriation:

State Building Construction Account—State \$1,167,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL \$1,167,000

Sec. 3044. 2018 c 2 s 3067 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Step toe Butte Road Improvements (30001076)

Appropriation:

State Building Construction Account—State	(\$443,000)
	<u>\$466,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,789,000
TOTAL	<u>(\$4,232,000)</u>
	<u>\$4,255,000</u>

Sec. 3045. 2018 c 2 s 3068 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Cape Disappointment North Head Buildings and Ground Improvements (40000005)

Appropriation:

State Building Construction Account—State	(\$2,560,000)
	<u>\$2,695,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>(\$2,560,000)</u>
	<u>\$2,695,000</u>

NEW SECTION. Sec. 3046. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Fish Barrier Removal (40000010)

Appropriation:

State Building Construction Account—State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000
TOTAL	\$700,000

NEW SECTION. Sec. 3047. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide - ADA Compliance (30000985)

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3048. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Schafer Relocate Campground (30000532)

Appropriation:

State Building Construction Account—State	\$742,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,829,000
TOTAL	\$3,571,000

Sec. 3049. 2017 3rd sp.s. c 4 s 3072 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Steamboat Rock Build Dunes Campground (30000729)

Reappropriation:

State Building Construction Account—State \$2,707,000

Appropriation:

State Building Construction Account—State \$172,000

Prior Biennia (Expenditures) \$792,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$3,499,000)~~

\$3,671,000

Sec. 3050. 2018 c 2 s 3075 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000413)

The appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: The appropriations in this section ~~((is))~~ are provided solely for the ~~((Barnum Point waterfront))~~ list of projects in LEAP capital document No. 2018-9H, developed March 5, 2018.

Appropriation:

State Building Construction Account—State \$10,685,000

Aquatic Lands Enhancement Account—State ~~(\$1,000,000)~~

\$1,600,000

Subtotal Appropriation \$12,285,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$1,000,000)~~

\$12,285,000

NEW SECTION. **Sec. 3051.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Recreational Assets of Statewide Significance (92000446)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to conduct the study required in section 7012 of this act.

Appropriation:

State Building Construction Account—State \$100,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

Sec. 3052. 2018 c 2 s 3091 (uncodified) is amended to read as follows:**FOR THE STATE CONSERVATION COMMISSION**

Improve Shellfish Growing Areas 2017-19 (92000012)

The appropriation in this section is subject to the following conditions and limitations: Up to five percent of the appropriation provided in this section may be used by the conservation commission to acquire services of licensed engineers for project development, predesign and design services, and

construction oversight for natural resource enhancement and conservation projects. Funding may be used for beach restoration, erosion control, sediment abatement, soft berm, and dynamic revetment projects.

Appropriation:

State Building Construction Account—State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$24,000,000

Sec. 3053. 2018 c 2 s 3092 (uncodified) is amended to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Match for Federal RCPP Program 2017-19 (92000013)

The appropriation in this section is subject to the following conditions and limitations:

(1) The state building construction account—state appropriation is provided solely for a state match to the United States department of agriculture regional conservation partnership.

(2) The commission will, to the greatest extent possible, leverage other state and local projects in funding the match and development of the regional conservation partnership program grant applications.

Appropriation:

State Building Construction Account—State	(\$2,000,000)
	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,752,000
TOTAL	(\$3,752,000)
	\$5,752,000

Sec. 3054. 2018 c 2 s 3107 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Programmatic (30000782)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$130,000 of the appropriation is provided to review state hatcheries to identify opportunities to increase salmon production with a focus on the needs of the southern resident killer whale. The review must include a survey of existing hatcheries and cost estimates to increase salmon and steelhead production within existing capacity, and to identify where hatcheries could be expanded to increase production. The review must be consistent with the federal endangered species act requirements and tribal treaty obligations. The review must be conducted in consultation with tribal comanagers, the hatchery scientific review group, and appropriate federal agencies. The review must be provided to the governor's office, the office of financial management, and the fiscal committees of the legislature by October 1, 2018.

(2) Up to \$30,000 is provided for the installation of 15 new fish screens to support the southern resident orca recovery.

(3) Up to \$665,000 is provided for hatchery improvements to increase chinook production to support the southern resident orca recovery.

Appropriation:

State Building Construction Account—State	.....((\$2,000,000))
	<u>\$2,825,000</u>
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	.....((\$2,000,000))
	<u>\$2,825,000</u>

NEW SECTION. Sec. 3055. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hurd Creek - Relocate Facilities out of Floodplain (30000830)

Appropriation:

State Building Construction Account—State	..... \$800,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$5,849,000
TOTAL	..... \$6,649,000

NEW SECTION. Sec. 3056. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Scatter Creek Wildlife Area Fire Damage (40000005)

Appropriation:

State Building Construction Account—State	..... \$1,331,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$1,331,000

Sec. 3057. 2018 c 2 s 3119 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Replacement (30000264)

Appropriation:

Resources Management Cost Account—State	..... \$30,000,000
Natural Resources Real Property Replacement—State	.....((\$30,000,000))
	<u>\$12,300,000</u>

Community and Technical College Forest Reserve

Account—State	..... \$1,000,000
Subtotal Appropriation	.....((\$61,000,000))
	<u>\$43,300,000</u>

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs)..... \$0

TOTAL	.....((\$61,000,000))
	<u>\$43,300,000</u>

Sec. 3058. 2018 c 2 s 3122 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer Program (30000269)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to the department of natural resources to transfer from trust status certain trust lands of statewide significance

deemed appropriate for state parks, fish and wildlife habitats, natural area preserves, natural resources conservation areas, department of natural resources community forest open spaces, or recreation purposes. The approved property for transfer is identified in the LEAP capital document no. 2017-2H, developed June 30, 2017.

(2) Property transferred under this section must be appraised and transferred at fair market value. By (~~September 30, 2018~~) June 30, 2019, the department must deposit in the common school construction account the portion of the appropriation in this section that represents the estimated value of the timber on the transferred properties. This transfer must be made in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The portion of the appropriation in this section that represents the value of the land transferred must be deposited in the natural resources real property replacement account.

(3) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs, and may not exceed one and nine-tenths percent of the appropriation.

(4) By June 30, (~~2018~~) 2019, land within the common school trust shall be exchanged for land of equal value held for other trust beneficiaries of the property identified in subsection (1) of this section.

(5) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Fee transfer agreements for properties identified in subsection (1) of this section must include terms that perpetually restrict the use of the property to the intended purpose. Transfer agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the originally intended public purpose and the department and legislature approves such uses.

(6) The department shall work in good faith to carry out the intent of this section.

(7) By June 30, 2019, the state treasurer shall transfer to the common school construction account any unexpended balance of the appropriation in this section.

Appropriation:

State Building Construction Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

Sec. 3059. 2018 c 2 s 3123 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

State Forest Land Replacement (30000277)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$60,000 of the appropriation is provided solely for the department to assess options to replace timber trust revenues for counties with populations of twenty-five thousand or fewer that are subject to timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act. The department must consult with the qualifying counties and other stakeholders in conducting the assessment. The department shall report the findings of its assessment, including recommendations for addressing decreased revenues from state forestlands and improving the forest products economy in the qualifying counties, by December 15, 2018.

(2)(a) The remaining portion of the appropriation is provided solely to the department to transfer from state forestland status to natural resources conservation area status certain state forestlands in counties:

(i) With a population of twenty-five thousand or fewer; and

(ii) With risks of timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act.

(b) This appropriation must be used equally for the transfer of qualifying state forestlands in the qualifying counties.

(3) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forestland, consistent with RCW 79.22.060.

(4) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (2) of this section. Transfer agreements for properties identified in subsection (2) of this section must include terms that restrict the use of the property to the intended purpose.

(5) The department and applicable counties shall work in good faith to carry out the intent of this section. The department will identify eligible properties for transfer, consistent with subsections (2) and (3) of this section, in consultation with the applicable counties, and will not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:

State Building Construction Account—State	((\$3,000,000))
	<u>\$4,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$3,000,000))
	<u>\$4,500,000</u>

NEW SECTION. Sec. 3060. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES
NE Region Storm Damage Road Repair (4000002)

Appropriation:

State Building Construction Account—State	\$429,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$429,000

NEW SECTION, Sec. 3061. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Paterson Pipeline (91000092)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for developing and constructing an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands pursuant to conditions and limitations described in section 7004 of this act.

(2) The legislature recognizes and declares that the appropriation in this section constitutes a loan from an asset of the common school trust. The legislature finds that the provisions in section 7004 of this act regarding review and approval of the Paterson pipeline, improvements to common school trust lands by the Paterson pipeline and associated increased value of those lands, eventual loan repayment to the common school trust assets held in the natural resources real property replacement account, and interest to the common school construction account ensure that the interest of the common school trust beneficiaries are protected.

(3) If moneys available in the natural resources real property replacement account that are attributable to the common school trust are not sufficient to achieve the intended purposes of this section, then the department must explore and report alternative solutions to the legislature, including:

- (i) Establishing or joining a local improvement district;
- (ii) Borrowing funds through an alternative financing process, that uses existing water certificates, timber cutting rights, or other trust asset value as a basis for a loan; or
- (iii) Other alternatives as the department may suggest.

Appropriation:

Natural Resources Real Property Replacement Account—State	\$17,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,700,000

Sec. 3062. 2018 c 2 s 3132 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF NATURAL RESOURCES

Public School Seismic Safety Assessment (91000091)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department, in consultation with the office of emergency management, the office of the superintendent of public instruction, and the state

board of education, shall develop a prioritized seismic risk assessment that includes seismic safety surveys of public facilities that are subject to high seismic risk as a consequence of high earthquake hazard and soils that amplify that hazard. The seismic safety surveys must be conducted for the following types of public facilities in the following order:

(a) A minimum of twenty-five public school facilities that have a capacity of two hundred fifty or more persons and are routinely used for ((student activities by)) the instruction of students in kindergarten through twelfth grade ((public schools)). The survey must be a representative sample of urban and rural school districts located in different geographical areas of the state; ((and))

(b) Public school facilities with capacity of fewer than two hundred fifty persons; and

(c) Fire stations located within a one-mile radius of a facility described in ((subsection (1)))(a) of this subsection.

(2) The department must coordinate survey efforts made under subsection (1)(a) and (b) of this section whenever possible.

(3) The initial phase of the prioritized seismic needs assessment of the facilities specified in subsection((s)) (1)(a) and (b) shall include, but is not limited to, the following:

(a) An on-site assessment, under the supervision of licensed geologists, of the seismic site class of the soils at the facilities;

(b) An on-site inspection of the facility buildings, including structural systems using structural plans where available, condition, maintenance, and nonstructural seismic hazards following standardized methods by licensed structural engineers;

(c) An estimate of costs to retrofit facilities specified in subsection (1)(a) of this section to life safety standards as defined by the American society of civil engineers; and

(d) An estimate of costs to retrofit facilities specified in subsection (1)(b) of this section to immediate occupancy standards as defined by the American society of civil engineers.

~~((3))~~ (4) The department ((shall develop geographic information system databases of survey data and)) must collect and submit survey data to the superintendent of public instruction in a format compatible with the inventory and condition of schools database. The department must enter into an agreement with the superintendent of public instruction to make any necessary modifications to the inventory and condition of schools database to receive and report the survey data.

(5) The department must share that data with the governor((, the superintendent of public instruction,)) and the appropriate legislative committees.

~~((4))~~ (6) The department and the office of the superintendent of public instruction must provide technical assistance to the school facilities sampled to incorporate survey information into their school safety plans.

(7) A preliminary report on the progress of the statewide seismic needs assessment specified in this section shall be submitted to the ((office of financial management and the)) appropriate committees of the legislature by October 1, 2018. The final report and statewide seismic needs assessment shall be

submitted to the office of financial management and the appropriate committees of the legislature by June 30, 2019.

Appropriation:

State Building Construction Account—State	\$1,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,200,000

NEW SECTION. Sec. 3063. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Community Forest Program Development (91000093)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$75,000 of the appropriation in this section is provided solely for the department to perform an economic and ownership modeling analysis using as a case study one or more projects proposed through the department's rural communities partnership initiative, and based on that analysis, further prioritize a list of community forest projects to submit to the legislature as required under chapter 79.155 RCW.

(2) The department must also consult with nonprofit stakeholders, counties, municipalities, tribes, and small and large private forest landowners, in developing a nonstate-owned community forest project list, including a process to prioritize and recommend to the legislature a list of nonstate-owned community forests. This project list must include projects solicited from both east and west of the crest of the Cascade mountains that have demonstrable community support.

(3) The department must develop a list composed of both nonstate-owned and state-owned community forest projects for legislative consideration by November 1, 2018.

Appropriation:

State Building Construction Account—State	\$75,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$75,000

NEW SECTION. Sec. 3064. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Castle Rock/DNR Land Swap (91000094)

Appropriation:

State Building Construction Account—State	\$13,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,000

NEW SECTION. Sec. 3065. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Port of Willapa Harbor Energy Innovation District (91000099)

Appropriation:

State Building Construction Account—State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 3066. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Assessing and Improving Economic Performance of Trust Lands (91000100)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to conduct the asset valuation of state lands and state forestlands held in trust and managed by the department as required in section 7015 of this act.

Appropriation:

State Building Construction Account—State	\$555,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$555,000

Sec. 3067. 2018 c 2 s 3135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Grants to Improve Safety and Access at Fairs (92000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely for the Grant county fairgrounds rodeo arena seating replacement.

(2) \$100,000 of the appropriation is provided solely for the Ellensburg rodeo project.

Appropriation:

State Building Construction Account—State	(\$2,000,000)
	<u>\$2,100,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,000,000)
	<u>\$2,100,000</u>

PART 4

TRANSPORTATION

Sec. 4001. 2018 c 2 s 4001 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Fire Training Academy Stormwater Remediation (30000030)

Appropriation:

Fire Service Training Account—State	(\$3,000,000)
	<u>\$3,132,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$3,000,000)
	<u>\$3,132,000</u>

**Sec. 4002. 2018 c 2 s 4002 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION
Aviation Revitalization Loans (92000003)*

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for deposit into the public use general aviation airport loan revolving account created in section 7028 (~~of this act~~), chapter 2, Laws of 2018 and section 7010 of this act for direct loans to (~~political subdivisions of~~) airport sponsors of public use airports in the state (~~and privately owned airports~~) for the purpose of improvements (~~at public use airports~~) that primarily support general aviation activities.

(2) The department must convene a community aviation revitalization board to develop criteria for selecting loan recipients, to develop a process for evaluating applications, and to make decisions. The board must consist of the (~~capital budget~~) chairs and ranking minority members of the (~~capital budget~~) transportation committees of the house of representatives and the senate (~~ways and means committee~~), and a representative from both the department of transportation's aviation division and the department of commerce. The board must also consist of the following members appointed by the secretary of transportation: One port district official, one county official, one city official, one representative of airport managers, and one representative of a general aviation pilots organization within Washington that has an active membership and established location, chapter, or appointed representative within Washington. The appointive members must initially be appointed to terms as follows: Two members for two-year terms, and three members for three-year terms which must include the chair. Thereafter, each succeeding term must be for three years. The chair of the board must be selected by the secretary of transportation. The members of the board must elect one of their members to serve as vice chair. The director of commerce and the secretary of transportation must serve as nonvoting advisory members of the board.

(3) The board may provide loans (~~to privately owned airports~~) for the purpose of airport improvements only if the state is receiving commensurate public benefit, (~~such as guaranteed long term~~) which must include, as a condition of the loan, a commitment to provide public access to the airport (~~as~~) for a (~~condition~~) period of time equivalent to one and one-half times the term of the loan. For purposes of this subsection, "public use airports" (~~that primarily support general aviation activities~~) means all public use airports not listed as having more than fifty thousand annual commercial air service passenger enplanements as published by the federal aviation administration.

(4) An application for loan funds under this section must be made in the form and manner as the board may prescribe. When evaluating loan applications, the board must prioritize applications that provide conclusive justification that completion of the loan application project will create revenue-generating opportunities. The board is not limited to, but must also use, the following expected outcome conditions when evaluating loan applications:

(a) A specific private development or expansion is ready to occur and will occur only if the aviation facility improvement is made;

(b) The loan application project results in the creation of jobs or private sector capital investment as determined by the board;

(c) The loan application project improves opportunities for the successful maintenance, operation, or expansion of an airport or adjacent airport business park;

(d) The loan application project results in the creation or retention of long-term economic opportunities; and

(e) The loan application project results in leveraging additional federal funding for an airport.

(5) The repayment of any loan made from the public use general aviation airport loan revolving account under the contracts for aviation loans must be paid into the public use general aviation airport loan revolving account.

Appropriation:

State Taxable Building Construction Account—State	(\$5,000,000)
	<u>\$2,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$5,000,000)
	<u>\$2,500,000</u>

*Sec. 4002 was vetoed. See message at end of chapter.

**PART 5
EDUCATION**

Sec. 5001. 2017 3rd sp.s. c 4 s 5011 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2015-17 School Construction Assistance Program (30000169)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5013, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

Common School Construction Account—State	(\$209,100,000)
	<u>\$210,120,000</u>
State Building Construction Account—State	\$92,767,000
Subtotal Reappropriation	(\$301,867,000)
	<u>\$302,887,000</u>
Prior Biennia (Expenditures)	\$248,519,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$550,386,000)
	<u>\$551,406,000</u>

Sec. 5002. 2018 c 2 s 5002 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Healthy Kids/Healthy Schools (30000184)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts and the department of health, shall develop criteria for providing funding for specific projects that are consistent with the healthiest next generation priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools may apply for grants but no single district may receive more than \$200,000 of the appropriation for grants awarded in subsections (3), (4), and (5) of this section;

(b) Any district receiving funding provided in this section must demonstrate a consistent commitment to addressing school facilities' needs; and

(c) Applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program must be prioritized.

(2) A maximum of \$1,000,000 of the appropriation may be used for the replacement of lead-contaminated drinking water fixtures.

(3) A maximum of \$1,000,000 of the appropriation may be used to purchase equipment or make repairs related to improving children's physical health and may include, but is not limited to: Fitness playground equipment, covered play areas, and physical education equipment or related structures or renovation.

(4) A maximum of \$250,000 of the appropriation may be used to purchase equipment or make repairs related to improving children's awareness and participation in sustaining efficient schools and may include, but is not limited to: Dashboards that display energy savings, composting systems, and recycling stations.

(5) The remaining portion of the appropriation is provided solely to purchase equipment or make repairs related to improving children's nutrition and may include, but is not limited to: Garden related structures and greenhouses to provide students access to fresh produce, and kitchen equipment or upgrades.

Appropriation:

Common School Construction Account—State	\$3,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$27,250,000

Sec. 5003. 2018 c 2 s 5006 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2017-19 School Construction Assistance Program (40000003)

The appropriations in this section are subject to the following conditions and limitations: \$1,005,000 of the common school construction account—state appropriation is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

Appropriation:

State Building Construction Account—State	(\$672,423,000)
	\$688,207,000
Common School Construction Account—State	(\$255,581,000)
	\$255,984,000
Common School Construction Account—Federal	\$3,000,000
School Construction and Skill Centers Building Account—State	\$1,559,000

Subtotal Appropriation .....	..((\$932,563,000))
	<u>\$948,750,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,136,856,000
TOTAL .....	..((\$6,069,419,000))
	<u>\$6,085,606,000</u>

Sec. 5004. 2018 c 2 s 5007 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital Program Administration (40000007)

Appropriation:

Common School Construction Account—State .....	..((\$3,600,000))
	<u>\$3,390,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,097,000
TOTAL .....	..((\$16,697,000))
	<u>\$16,487,000</u>

Sec. 5005. 2018 c 2 s 5008 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Career and Technical Education Equipment Grants (91000408)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$72,000 of the appropriation is provided solely for the Bellevue school district for career and technical education equipment.

(2) \$50,000 of the appropriation is provided solely for the Issaquah school district for career and technical education equipment.

(3) \$30,000 of the appropriation is provided solely for the Elma school district for career and technical education equipment.

(4) The remaining portion of the appropriation in this section is provided solely for the superintendent of public instruction to provide career and technical education equipment grants to school districts. The office of the superintendent of public instruction, after consulting with school districts and the workforce training and education coordinating board, shall develop criteria for providing funding and outcomes for specific projects to stay within the appropriation level provided in this section consistent with the following priorities. The criteria must include, but are not limited to, the following:

(a) Districts or schools must demonstrate that the request provides necessary equipment to deliver career and technical education; and

~~(b) ((Districts or schools must demonstrate a consistent commitment to maintaining school facilities and equipment by participating in the asset preservation program administered by the office of the superintendent of public instruction; and~~

~~(c))~~ Prioritizing applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program.

(5) The superintendent must award grants to applicants on a first-come, first-serve basis if the district or school demonstrates that the request meets the criteria set by the office of superintendent of public instruction as described in subsection (4) of this section and the site is prepared to receive the equipment.

(6) No single district may receive more than \$100,000 of the appropriation.

Appropriation:

Common School Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

Sec. 5006. 2017 3rd sp.s. c 4 s 5016 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

NEWTECH Skill Center (Spokane Area Professional-Technical) (92000005)

Reappropriation:

State Building Construction Account—State	(\$387,000)
	\$339,000
<u>School Construction and Skill Centers Building</u>	
<u>Account—State</u>	\$38,000
<u>Subtotal Reappropriation</u>	\$377,000
Prior Biennia (Expenditures)	(\$21,450,000)
	\$21,460,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,837,000

Sec. 5007. 2018 c 2 s 5010 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Distressed Schools (92000041)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$19,586,000 of the appropriation in this section is provided solely for Seattle public schools to address challenges related to extraordinary growth and to maintain and repair existing buildings.

(2) \$1,100,000 of the appropriation in this section is provided solely for the Black Diamond elementary school.

(3) \$500,000 of the appropriation in this section is provided solely for maintenance to improve the health and environment for students and staff at the Eckstein middle school in Seattle.

(4) \$7,900,000 of the appropriation in this section is provided solely for the Frantz H. Coe elementary school in Seattle.

(5) \$3,500,000 of the appropriation in this section is provided solely for the Chief Leschi school's auditorium.

(6) \$2,900,000 of the appropriation in this section is provided solely for the Glacier site middle school in the Highline school district.

(7)(a) \$10,000,000 of the appropriation in this section is provided solely for the Toledo school district;

(b) The Toledo school district must provide a local match equivalent to a minimum of \$7,000,000. The local match may consist of cash; furniture, finishes, and equipment; or like-kind.

(c) If the Toledo school district cannot demonstrate to the office of the superintendent of public instruction that a local match pursuant to (b) of this subsection has been secured by June 30, 2019, the appropriation in (a) of this subsection shall lapse.

Appropriation:

State Building Construction Account—State	(\$21,186,000)
	\$45,486,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$21,186,000)
	\$45,486,000

Sec. 5008. 2018 c 2 s 5009 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Small Rural District Modernization Grants (92000040)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for grants to assist small, rural school districts with total enrollments of one thousand students or less, with school facilities with significant building systems deficiencies, and with such low property values that replacing or modernizing the school facility through the school construction assistance program would present an extraordinary tax burden on property owners or would exceed allowable debt for the district.

(2) (~~(\$11,198,000)~~) \$15,349,000 of the appropriation is provided solely for projects in small rural districts where the school facility does not need to be replaced or require an extensive modernization, but does have significant building system deficiencies. Grants may not exceed \$5,000,000. The office of the superintendent of public instruction shall prepare an expedited grant application process in selecting the grant recipients funded by this subsection.

(3) (~~(\$23,802,000)~~) \$25,651,000 of the appropriation is provided solely for the following projects in the following amounts:

Mount Adams School District <u>K-8 Elementary</u>	\$14,277,000
South Bend School District	\$7,712,000
Lopez Island School District	\$1,813,000
<u>Wishkah Valley School</u>	<u>\$576,000</u>
<u>Damman School</u>	<u>\$1,273,000</u>

(4) For projects in this section that are also eligible for funding through the school construction assistance program (SCAP), the office of the superintendent of public instruction must expedite and streamline the SCAP administrative requirements, timelines, and matching requirements in order for the funds provided in this section to be used promptly. Funds provided in this section, plus state funds provided in the SCAP grant, plus available local funds, must not exceed total project costs.

Appropriation:

State Building Construction Account—State	(\$35,000,000)
	\$41,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$35,000,000)
	\$41,000,000

NEW SECTION. Sec. 5009. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

Academic and Physical Education Building (30000036)

The appropriation in this section is subject to the following conditions and limitations: A predesign study must provide options for modifying an existing building, or multiple buildings, on the campus that will house the elementary and secondary departments. Five aging and decayed buildings may be demolished with remaining amounts.

Appropriation:

State Building Construction Account—State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$45,445,000
TOTAL	\$46,445,000

Sec. 5010. 2018 c 2 s 5015 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

2017-19 Minor Public Works (30000029)

Appropriation:

State Building Construction Account—State	(\$307,000)
	<u>\$1,218,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$4,000,000)
	<u>\$0</u>
TOTAL	(\$4,307,000)
	<u>\$1,218,000</u>

Sec. 5011. 2018 c 2 s 5016 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Burke Museum (20082850)

Appropriation:

State Building Construction Account—State	(\$24,200,000)
	<u>\$24,900,000</u>
Prior Biennia (Expenditures)	\$29,800,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$54,000,000)
	<u>\$54,700,000</u>

NEW SECTION. **Sec. 5012.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

College of Engineering Interdisciplinary/Education Research Center (30000492)

Appropriation:

State Building Construction Account—State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$49,000,000
TOTAL	\$49,600,000

Sec. 5013. 2018 c 2 s 5021 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Major Infrastructure (30000808)

Appropriation:

University of Washington Building Account—State	(\$14,500,000)
	<u>\$17,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,000,000
TOTAL	(\$44,500,000)
	<u>\$47,500,000</u>

NEW SECTION. Sec. 5014. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Buy Clean Washington Study (91000022)

The appropriation in this section is subject to the following conditions and limitations:

(1) The University of Washington, led by the college of built environments, in collaboration with the Central Washington University construction management program, the Washington State University architecture and engineering school and the department of enterprise services, shall analyze existing embodied carbon policy and propose methods to categorize structural materials and report structural material quantities and origins.

(2) The colleges shall report to the legislature the methods developed in this section by December 31, 2018. The report must include potential impacts to project costs, both positive and negative, that use the proposed methods in subsection (1) of this section, and potential economic impacts, both positive and negative, to Washington state based on the origin of material purchased.

Appropriation:

State Building Construction Account—State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

Sec. 5015. 2017 3rd sp.s. c 4 s 5048 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Seminar I Renovation (30000125)

Reappropriation:

State Building Construction Account—State	(\$175,000)
	<u>\$188,000</u>
Prior Biennia (Expenditures)	(\$225,000)
	<u>\$212,000</u>
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 5016. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Historic Lord Mansion (91000029)

The appropriation in this section is subject to the following conditions and limitations:

(1) By July 1, 2018, and subject to approval by The Evergreen State College board of trustees, responsibility for the maintenance, operation, and any subsequent leasing of the historic Lord mansion shall be transferred from the Washington state historical society to The Evergreen State College.

(2) If the transfer pursuant to subsection (1) of this section does not occur by July 1, 2018, the following must occur:

(a) Custody and control of the historic Lord mansion is transferred from the Washington state historical society to the department of enterprise services to be maintained pursuant to the duties of the director defined in RCW 43.19.125; and

(b) The appropriation in this section is made to the department of enterprise services rather than The Evergreen State College.

Appropriation:

State Building Construction Account—State	\$504,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$504,000

Sec. 5017. 2018 c 2 s 5051 (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation (30000781)

Appropriation:

<u>State Building Construction Account—State</u>	<u>\$1,500,000</u>
Western Washington University Capital Projects Account—State	(\$6,179,000)
	<u>\$4,679,000</u>
<u>Subtotal Appropriation</u>	<u>\$6,179,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,000,000
TOTAL	\$36,179,000

Sec. 5018. 2018 c 2 s 5053 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation (30000288)

Appropriation:

State Building Construction Account—State	(\$2,000,000)
	<u>\$3,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$2,000,000)
	<u>\$3,500,000</u>

NEW SECTION. Sec. 5019. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Student Services and Instructional Building (30000127)

Appropriation:

State Building Construction Account—State	\$4,151,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$41,162,000
TOTAL	\$45,313,000

Sec. 5020. 2018 c 2 s 5057 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: North County Satellite (30000135)

Appropriation:

State Building Construction Account—State	..((\$5,212,000)	
		<u>\$5,688,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	..((\$48,603,000)	
		<u>\$49,235,000</u>
TOTAL	..((\$53,815,000)	
		<u>\$54,923,000</u>

NEW SECTION. **Sec. 5021.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Learning Resource Center (30000136)

Appropriation:

State Building Construction Account—State	.....	\$4,015,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$45,080,000
TOTAL	.....	\$49,095,000

Sec. 5022. 2018 c 2 s 5058 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Science, Engineering, Technology Bldg (30000137)

Appropriation:

State Building Construction Account—State	..((\$37,757,000)	
		<u>\$39,257,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	..((\$37,757,000)	
		<u>\$39,257,000</u>

Sec. 5023. 2018 c 2 s 5059 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Whatcom Community College: Learning Commons (30000138)

Appropriation:

State Building Construction Account—State	..((\$33,960,000)	
		<u>\$34,952,000</u>
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	..((\$33,960,000)	
		<u>\$34,952,000</u>

Sec. 5024. 2018 c 2 s 5060 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Big Bend: Professional - Technical Education Center (30000981)

Appropriation:

State Building Construction Account—State	..((\$35,063,000)	
		<u>\$35,346,000</u>
Prior Biennia (Expenditures)	.....	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	(\$35,063,000)
	<u>\$35,346,000</u>

Sec. 5025. 2018 c 2 s 5061 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Spokane: Main Building South Wing Renovation (30000982)

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

(1) The appropriations in this section are provided solely for predesign, design, and construction, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Criteria for selecting the design-build contractor must include life cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(3) The building must be built using sustainable building standards as defined in section 7009 (~~of this act~~), chapter 2, Laws of 2018.

Appropriation:

State Building Construction Account—State	(\$24,919,000)
	<u>\$25,683,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$24,919,000)
	<u>\$25,683,000</u>

Sec. 5026. 2018 c 2 s 5062 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Highline: Health and Life Sciences (30000983)

Appropriation:

State Building Construction Account—State	(\$23,372,000)
	<u>\$24,221,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$23,372,000)
	<u>\$24,221,000</u>

Sec. 5027. 2017 3rd sp.s. c 4 s 5076 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park: Center for Advanced Manufacturing Technologies (30000984)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation ((is subject to the provisions of section 5140, chapter 3, Laws of 2015 3rd sp. sess)) in this section is provided solely for predesign and design, which may also serve as bridging documents, design, competition honoraria, project management, and other planning activities including permits.

(2) Funding authorized pursuant to section 7002(7)(f) of this act for construction may be delivered using design-build, as defined by chapter 39.10 RCW, with a guarantee for energy, operations, and maintenance performance. The term for performance guarantee must not be less than one year. The state may use state employees for services not related to building performance.

(3) Criteria for selecting the design-build contractor must include life cycle costs, energy costs, or energy use index. Contractors and architectural and engineering firms may be eligible for additional points during the scoring process if they have experience with the state agency, or if they are considered a small business.

(4) The building may be built using sustainable building standards as defined in section 7009, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State	\$2,791,000
Prior Biennia (Expenditures)	\$353,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,144,000

Sec. 5028. 2018 c 2 s 5063 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley: Wells Hall Replacement (30000985)

Appropriation:

State Building Construction Account—State	(\$2,772,000)
	\$2,840,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$29,048,000)
	\$29,340,000
TOTAL	(\$31,820,000)
	\$32,180,000

Sec. 5029. 2018 c 2 s 5064 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic: Shop Building Renovation (30000986)

Appropriation:

State Building Construction Account—State	(\$929,000)
	\$953,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$7,368,000)
	\$7,594,000
TOTAL	(\$8,297,000)
	\$8,547,000

Sec. 5030. 2018 c 2 s 5065 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce Fort Steilacoom: Cascade Building Renovation - Phase 3 (30000987)

Appropriation:

State Building Construction Account—State	(\$3,438,000)
	\$3,508,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(\$29,982,000)
	\$31,035,000

TOTAL((~~\$33,420,000~~))
\$34,543,000

Sec. 5031. 2018 c 2 s 5066 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle: Automotive Technology Renovation and Expansion
 (30000988)

Appropriation:

State Building Construction Account—State((~~\$2,241,000~~))
\$2,501,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs).....((~~\$21,873,000~~))

\$23,187,000

TOTAL((~~\$24,114,000~~))
\$25,688,000

Sec. 5032. 2018 c 2 s 5067 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Medical Mile Health Science Center (30000989)

Appropriation:

State Building Construction Account—State((~~\$3,150,000~~))
\$3,238,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs).....((~~\$39,208,000~~))

\$40,484,000

TOTAL((~~\$42,358,000~~))
\$43,722,000

Sec. 5033. 2018 c 2 s 5068 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline: Allied Health, Science & Manufacturing Replacement
 (30000990)

Appropriation:

State Building Construction Account—State((~~\$3,546,000~~))
\$3,592,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs).....((~~\$35,972,000~~))

\$36,138,000

TOTAL((~~\$39,518,000~~))
\$39,730,000

Sec. 5034. 2018 c 2 s 5070 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (30001293)

Appropriation:

Community/Technical Colleges Capital Projects
 Account—State((~~\$8,433,000~~))
\$5,307,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)..... \$0

TOTAL((~~\$8,433,000~~))
\$5,307,000

Sec. 5035. 2018 c 2 s 5071 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (30001294)

Appropriation:

((State Building Construction Account—State	(\$1,218,000))
Community/Technical Colleges Capital Projects	
Account—State	(((\$25,458,000))
	<u>\$16,587,000</u>
((Subtotal Appropriation	(\$26,676,000))
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(((\$26,676,000))
	<u>\$16,587,000</u>

Sec. 5036. 2018 c 2 s 5072 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (30001295)

Appropriation:

((State Building Construction)) <u>Community/Technical</u>	
<u>Colleges Capital Projects</u> Account—State	\$4,166,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,166,000

Sec. 5037. 2018 c 2 s 5073 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (30001368)

Appropriation:

State Building Construction Account—State	(((\$26,630,000))
	<u>\$14,558,000</u>
<u>Community/Technical Colleges Capital Projects</u>	
<u>Account—State</u>	<u>\$1,831,000</u>
<u>Subtotal Appropriation</u>	<u>\$16,389,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(((\$26,630,000))
	<u>\$16,389,000</u>

NEW SECTION. **Sec. 5038.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Library Building Renovation (30001451)

Appropriation:

State Building Construction Account—State	\$3,448,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$28,359,000
TOTAL	\$31,807,000

NEW SECTION. **Sec. 5039.** A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Science and Technology Building Replacement (30001452)

Appropriation:

State Building Construction Account—State	\$1,156,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,727,000
TOTAL	\$9,883,000

NEW SECTION. Sec. 5040. A new section is added to 2018 c 2 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Center for Science and Technology (30001453)

Appropriation:

State Building Construction Account—State	\$3,421,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$37,726,000
TOTAL	\$41,147,000

Sec. 5041. 2018 c 2 s 5075 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Fine and Applied Arts Replacement (30001458)

Appropriation:

State Building Construction Account—State	(\$2,766,000)	<u>\$2,827,000</u>
Prior Biennia (Expenditures)	\$0	
Future Biennia (Projected Costs)	(\$34,728,000)	<u>\$35,449,000</u>
TOTAL	(\$37,494,000)	<u>\$38,276,000</u>

**PART 6
RESERVED**

**PART 7
MISCELLANEOUS PROVISIONS**

Sec. 7001. 2018 c 2 s 7001 (uncodified) is amended to read as follows:

RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are ~~((fifteen million, fifty seven)) sixteen million, three hundred four thousand dollars for the 2017-2019 biennium, ((two hundred sixty two million, two hundred ninety)) two hundred eighty two million, two hundred seventeen thousand dollars for the 2019-2021 biennium, and ((three hundred sixty six million, four hundred seventy five)) three hundred ninety-seven million, nine hundred fifty-two thousand dollars for the 2021-2023 biennium.~~

Sec. 7002. 2018 c 2 s 7002 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract

option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Department of enterprise services:

(a) Enter into a financing contract for up to \$5,323,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to repair the east plaza garage in Olympia.

(b) Enter into a financing contract for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for Tacoma Rhodes elevators.

(4) Washington state patrol:

(a) Enter into a financing contract for up to \$7,450,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(b) Enter into a financing contract for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for furnishings and equipment at the 1063 building.

(5) Department of labor and industries: Enter into a financing contract for up to ~~(\$12,700,000)~~ \$12,504,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to modernize a lab and training facility.

(6) Department of social and health services: Enter into a financing contract for up to \$2,900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the King county secure community transition center.

~~((6))~~ (7) Community and technical colleges:

(a) Enter into a financing contract on behalf of Cascadia College for up to ~~(\$29,500,000)~~ \$30,225,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a parking structure.

(b) Enter into a financing contract on behalf of Renton Community College for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property in Renton.

(c) Enter into a financing contract on behalf of South Seattle College for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student wellness and fitness center.

(d) Enter into a financing contract on behalf of Shoreline Community College for up to \$31,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

(c) ~~((Enter into a financing contract on behalf of Clark College for up to \$35,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student recreation center.~~

~~(F))~~ Enter into a financing contract on behalf of Lower Columbia College for up to ~~(((\$3,000,000))~~ \$3,400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the main building.

~~((G))~~ ~~(f)~~ Enter into a financing contract on behalf of Clover Park Technical College for up to ~~(((\$33,288,000))~~ \$35,821,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a center for advanced manufacturing technologies.

(g) Enter into a financing contract on behalf of Yakima Valley Community College for up to \$22,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build additional instructional and lab classroom space.

(h) Enter into a financing contract on behalf of Bellevue College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a student success center.

(i) Enter into a financing contract on behalf of Whatcom Community College for up to \$26,475,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build student housing.

(j) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build a health and wellness center.

(k) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to acquire property.

(l) Enter into a financing contract on behalf of Grays Harbor College for up to \$1,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a campus parking lot.

Sec. 7003. 2018 c 2 s 7022 (uncodified) is amended to read as follows:
STATE TREASURER TRANSFER AUTHORITY

State Toxics Control Account: For transfer to the environmental legacy stewardship account, \$13,000,000 for fiscal year 2018 and ~~(((\$13,000,000))~~ \$11,950,000 for fiscal year 2019 ~~(((\$26,000,000))~~ \$24,950,000

Local Toxics Control Account: For transfer to the environmental legacy stewardship account, \$15,250,000 in fiscal year 2018 and ~~(((\$15,250,000))~~ \$3,750,000 in fiscal year 2019 ~~(((\$30,500,000))~~ \$19,000,000

Local Toxics Control Account: For transfer to the cleanup settlement account as repayment of the loan provided in section 6015(2), chapter 35, Laws of 2016 sp. sess. (ESHB 2380, 2016 supplemental capital budget), \$8,150,000 for fiscal year 2019. \$8,150,000

(1)(a) As directed by the department of ecology in consultation with the office of financial management, the state treasurer shall transfer amounts among the state toxics control account, the local toxics control account, and the environmental legacy stewardship account as needed during the 2017-2019 fiscal biennium to maintain positive account balances in all three accounts.

(b) If, after using the interfund transfer authority granted in this section, the department of ecology determines that further reductions are needed to maintain positive account balances in the state toxics control account, the local toxics control account, and the environmental legacy stewardship account, the department is authorized to delay the start of any projects based on acuity of need, readiness to proceed, cost-efficiency, purposes of increasing affordable housing, or need to ensure geographic distribution. If the department uses this authority, the department must submit a prioritized list of projects that may be delayed to the office of financial management and the appropriate fiscal committees of the legislature.

(2) As directed by the pollution liability insurance agency in consultation with the office of financial management, the state treasurer shall transfer from the pollution liability insurance program trust account to the underground storage tank revolving account the lesser of \$20,000,000 or the balance of the fund exceeding \$7,500,000 after excluding the reserves during the 2017-2019 fiscal biennium.

NEW SECTION. Sec. 7004. A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of natural resources is authorized to develop and construct an irrigation system, known as the Paterson pipeline, to deliver water from existing water rights owned by the department from the Columbia river to common school trust lands.

(2)(a) The development and construction of the Paterson pipeline must be reviewed and approved by the board of natural resources; and

(b) Any investment in the Paterson pipeline with moneys belonging to an asset of the common school trust constitutes a loan from the common school trust and may be made only if first determined to be a prudent investment by the board of natural resources.

(3) The board of natural resources may set the terms of the loan with the following conditions and limitations:

(a) A payment of principal and annual interest of no less than three percent and up to six percent on remaining principal of the loan described in subsection (2)(b) of this section must be paid annually to be disbursed as follows:

(i) The principal portion of the payment shall be deposited into the natural resources real property replacement account and credited to the common school trust;

(ii) The interest portion of the payment shall be deposited into the common school construction account;

(b) Interest begins to accrue on a date determined by the board of natural resources, but no later than the earlier of two years after the date the Paterson pipeline is completed or the date of the execution of the lease; and

(c) Once interest begins to accrue, the annual payment is due and payable on July 1st, following the completion of the state fiscal year, until the principal is fully repaid.

(4) Revenues generated from leases of the irrigated acreage in the common school trust improved by the Paterson pipeline are assumed to be dedicated for the payments on the loan principal and interest described in subsection (3) of this section until the loan is paid in full.

Sec. 7005. RCW 79.17.210 and 2013 2nd sp.s. c 19 s 7041 are each amended to read as follows:

(1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200 and the transfer of state lands or state forestlands into community forest trust lands under RCW 79.155.040. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. During the 2013-2015 fiscal biennium, funds in the account may also be appropriated for the land purchase in section 3245, chapter 19, Laws of 2013 2nd sp. sess. under the provisions of section 3245, chapter 19, Laws of 2013 2nd sp. sess. and chapter 11, Laws of 2013 2nd sp. sess. During the 2017-2019 fiscal biennium, moneys in the account may also be appropriated for developing and constructing the pipeline in section 3061 of this act under the provisions of section 7004 of this act.

Sec. 7006. 2018 c 2 s 7007 (uncodified) is amended to read as follows:

(1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it

clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

~~((5) The transfer authority granted in this section does not apply to appropriations for projects for the state parks and recreation commission. Appropriations for commission projects may be spent only for the specified projects, and funding may not be transferred from one commission project to another or from other sources to a commission project.))~~

Sec. 7007. 2018 c 2 s 7017 (uncodified) is amended to read as follows:

NONTAXABLE AND TAXABLE BOND PROCEEDS.

Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter ~~((---))~~ 3, Laws of 2018, ~~((Senate))~~ House Bill No. ~~((---))~~ 1080, the general obligation bond bill) for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary, or that a shift of appropriation authority from the state taxable building construction account to the state building construction account may be made.

Sec. 7008. 2018 c 2 s 7024 (uncodified) is amended to read as follows:

The energy efficiency account is hereby created in the state treasury. The sums deposited in the energy ~~((recovery act))~~ efficiency account shall be appropriated and expended for loans, loan guarantees, and grants for projects that encourage the establishment and use of innovative and sustainable industries for renewable energy and energy efficiency technology. The balance of state funds, federal funds, and loan repayments, from the energy recovery act account, are deposited in this account.

Sec. 7009. 2018 c 2 s 7026 (uncodified) is amended to read as follows:

JOINT LEGISLATIVE TASK FORCE ON IMPROVING STATE FUNDING FOR SCHOOL CONSTRUCTION.

(1)(a) A joint legislative task force on improving state funding for school construction is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate from the senate committees on ways and means and early learning and K-12 education.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives from the house of representatives committees on capital budget and education.

(iii) The president of the senate and the speaker of the house of representatives jointly shall ensure that at least three of the eight members appointed pursuant to (a)(i) and (ii) of this subsection serve legislative districts located east of the crest of the Cascade mountains.

(iv) The chair of the task force selected pursuant to (b) of this subsection may appoint one additional member representing large school districts and one additional member representing small, rural school districts as voting members of the task force.

(b) The task force shall choose its chair from among its membership. The chair of the house of representatives committee on capital budget shall convene the initial meeting of the task force. All meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.

(2) The task force shall review the following issues:

(a) Improvements to state financial assistance for K-12 school construction to be implemented over several fiscal biennia;

(b) Utilization of school spaces for multiple purposes;

(c) School design and construction approaches that support effective teaching and learning by delivering education through innovative, sustainable, cost-effective, and enduring design and construction methods; and

(d) Recent reports on school construction, including but not limited to the school construction cost study from the educational service district 112 and the efforts of collecting inventory and condition of schools data by the Washington state university extension energy office.

(3) In consideration of the findings pursuant to subsection (2) of this section, the task force must recommend a state school construction financial assistance program that:

(a) Supports the construction and preservation of schools; and

(b) Balances the state and local share of school construction and preservation costs considering local school districts' financial capacity, based on measures of relative wealth recommended pursuant to subsection (4)(b) of this section, and the state's limited bond capacity and common school trust land revenue.

(4) In making recommendations pursuant to subsection (3) of this section, the task force must, at a minimum, also recommend:

(a) A methodology to project needs for state financial assistance for school construction and preservation over a ten-year period;

(b) Measures of relative wealth of a school district, including but not limited to assessed land value per student, eligible free and reduced price meal enrollments, income per capita per school district, and costs of construction;

(c) Education specifications recognized by the state for the purpose of providing guidance to school districts when designing school construction projects;

(d) A capital asset model for K-12 school construction that considers space and usage needs to calculate construction assistance for:

(i) New schools to accommodate enrollment growth;

(ii) Major modernization projects to address aging facilities;

(iii) Replacement and renewal of major building systems based on achieving lowest life-cycle building costs, provided that standards of routine maintenance are achieved by local districts; and

(iv) Specialized facility improvements including but not limited to STEM facilities, career and technical education facilities, skills centers, and computer labs; and

(e) Alternative means to fund and accommodate increased classroom capacity to meet K-3 class-size reduction objectives.

(5)(a) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(b) The office of the superintendent of public instruction and the office of financial management shall cooperate with the task force and maintain liaison representatives, who are nonvoting members.

(c) The task force, where appropriate, may consult with individuals from public schools or related organizations or ask the individuals to establish a committee for technical advice and assistance. Members of such an advisory committee are not entitled to expense reimbursement.

(6) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures 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.

(8) The task force must report its final findings and recommendations to the governor, the superintendent of public instruction, and the appropriate committees of the legislature by ~~((October 1))~~ December 15, 2018.

(9) This section expires June 30, 2019.

Sec. 7010. 2018 c 2 s 7028 (uncodified) is amended to read as follows:

The public use general aviation airport loan revolving account is created in the custody of the state treasurer. All receipts from moneys collected under ~~((this chapter))~~ section 4002, chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018 must be deposited into the account. Expenditures from the account may be used only for the purposes described in section 4002 ~~((of this act)), chapter 2, Laws of 2018, section 4002 of this act, and sections 1 through 8, chapter . . . (Substitute House Bill No. 1656), Laws of 2018~~. Only the community aviation revitalization board or the board'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.

NEW SECTION. **Sec. 7011.** A new section is added to 2018 c 2 (uncodified) to read as follows:

JOINT LEGISLATIVE TASK FORCE ON WATER SUPPLY.

(1) A joint legislative task force is established to review surface water and groundwater needs and uses as they relate to agricultural uses, domestic potable water uses, and instream flows, and to develop and recommend studies.

(2) The task force consists of the following members:

(a) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) A representative from the department of ecology, appointed by the director of the department of ecology;

(d) A representative from the department of fish and wildlife, appointed by the director of the department of fish and wildlife;

(e) A representative from the department of agriculture, appointed by the director of the department of agriculture;

(f) One representative from each of the following groups, appointed by the consensus of the cochairs of the task force:

(i) Two organizations representing the farming industry in Washington;

(ii) A representative designated by each county within water resource inventory areas 3 and 4;

(iii) A representative designated by each city within water resource inventory areas 3 and 4;

(iv) Two representatives from an environmental advocacy organization or organizations;

(v) A representative designated by each public utility district located in water resource inventory areas 3 and 4;

(vi) An organization representing business interests; and

(vii) Representatives from federally recognized Indian tribes with reservations and treaty fishing rights located within water resource inventory areas 3 and 4.

(3) One cochair of the task force must be a member of the majority caucus of one chamber of the legislature, and one cochair must be a member of the minority caucus of the other chamber of the legislature, as those caucuses existed on the effective date of this section.

(4) The first meeting of the task force must occur by June 30, 2018. The task force must immediately focus on water resource inventory area 4. The task force shall not meet regarding water resource inventory area 3 before January 1, 2019.

(5) Staff support for the task force must be provided by the office of program research and senate committee services. The department of ecology and the department of fish and wildlife shall cooperate with the task force and provide information as the cochairs reasonably request.

(6) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures and meetings are subject to approval by the house executive rules committee and the senate facility and operations committee. 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) Studies and selection of scientists or organizations to implement these studies must be based on recommendations of the joint legislative task force and must be made by a seventy-five percent majority of the members of the task force. Minority recommendations that achieve the support of at least five of the named voting members of the task force may also be submitted to the legislature.

(8) The funding provided in section 3012(2) of this act is provided solely for studies that are based on best available science and peer-reviewed, as identified by the task force to include:

(a) Reviewing existing hydrodynamic modeling and instream flow studies, or implementing new studies if necessary;

(b) Completing a gap analysis;

(c) Updating and reconciling data;

(d) Completing and providing missing data; and

(e) Potential installation of groundwater monitoring stations.

(9) The joint legislative task force expires June 30, 2019.

NEW SECTION. Sec. 7012. A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) The legislature recognizes that outdoor recreation in Washington provides multiple benefits including significant business and retail tax revenue, business and job creation, improved physical and mental health, higher quality-of-life that attracts and retains businesses and workers from beyond the recreation sector, and conservation and education values. To fulfill the goals of the 2018 recreation and conservation plan for Washington state, the recreation and conservation office must conduct a study that identifies recreational assets of statewide significance, where gaps in recreational assets exist, and investment strategies and options for addressing those gaps. The study must address existing and projected future needs of the people of Washington state.

(2) The office must submit a report with its findings and recommendations to the appropriate committees of the legislature by June 30, 2019.

Sec. 7013. RCW 43.88D.010 and 2017 c 52 s 15 are each amended to read as follows:

(1) By October 1st of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees and the four-year institutions. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at all campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings. Facilities that cannot be economically renovated are considered replacement projects. New space may be programmed for the same or a different use than the space being replaced and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the predesign, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions. The office of financial management, in consultation with the legislative fiscal committees, shall

develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August 1st of each even-numbered year each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) For the 2017-2019 fiscal biennium, pursuant to subsection (1) of this section, by November 1, 2018, the office of financial management must score higher education capital project criteria with a rating scale that assesses how well a particular project satisfies those criteria. The office of financial management may not use a rating scale that weighs the importance of those criteria.

(9) For the 2017-2019 fiscal biennium, pursuant to subsection (6)(a) of this section and in lieu of the requirements of subsection (7) of this section, by August 15, 2018, the institutions of higher education shall prepare and submit or resubmit to the office of financial management and the legislative fiscal committees:

(a) Individual project proposals developed pursuant to subsection (1) of this section;

(b) Individual project proposals scored in prior biennia pursuant to subsection (1) of this section; and

(c) A prioritized list of up to five project proposals submitted pursuant to (a) and (b) of this subsection.

Sec. 7014. RCW 28B.77.070 and 2012 c 229 s 110 are each amended to read as follows:

(1) The council shall identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature for the council to make budget recommendations for allocations for major policy changes in accordance with priorities set forth in the ten-year plan, but the legislature does not intend for the council to review and make recommendations on individual institutional budgets. It is the intent of the legislature that recommendations from the council prioritize funding needs for the overall system of higher education in accordance with priorities set forth in the ten-year

plan. It is also the intent of the legislature that the council's recommendations take into consideration the total per-student funding at similar public institutions of higher education in the global challenge states.

(2) By December of each odd-numbered year, the council shall outline the council's fiscal priorities under the ten-year plan that it must distribute to the institutions, the state board for community and technical colleges, the office of financial management, and the joint higher education committee.

(a) Capital budget outlines for the two-year institutions shall be submitted to the office of financial management by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

(b) Capital budget outlines for the four-year institutions must be submitted to the office of financial management by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

(c) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The council shall submit recommendations on the operating budget priorities to support the ten-year plan to the office of financial management by October 1st each year, and to the legislature by January 1st each year.

(4)(a) The office of financial management shall develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded. The prioritized list of capital projects shall be based on the following priorities in the following order:

- (i) Office of financial management scores pursuant to chapter 43.88D RCW;
- (ii) Preserving assets;
- (iii) Degree production; and
- (iv) Maximizing efficient use of instructional space.

(b) The office of financial management shall include all of the capital projects requested by the four-year institutions of higher education, except for the minor works projects, in the prioritized list of capital projects provided to the legislature.

(c) The form of the prioritized list for capital projects requested by the four-year institutions of higher education shall be provided as one list, ranked in priority order with the highest priority project ranked number "1" through the lowest priority project numbered last. The ranking for the prioritized list of capital projects may not:

- (i) Include subpriorities;
- (ii) Be organized by category;
- (iii) Assume any state bond or building account biennial funding level to prioritize the list; or
- (iv) Assume any specific share of projects by institution in the priority list.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental capital budget requests and revisions to the office of financial management by November 1st and to the legislature by January 1st.

(6) For the 2017-2019 fiscal biennium, pursuant to subsection (4) of this section, the office of financial management may, but is not obligated to, develop one prioritized list of capital projects for the legislature to consider that includes all of the projects requested by the four-year institutions of higher education that were scored by the office of financial management pursuant to chapter 43.88D RCW, including projects that were previously scored but not funded.

NEW SECTION. Sec. 7015. A new section is added to 2018 c 2 (uncodified) to read as follows:

(1) The department of natural resources must conduct an asset valuation of state lands and state forestlands held in trust and managed by the department. The analysis required in subsections (3) and (4) of this section may be provided through contracted services.

(2) The department must describe all trust lands, by trust, including timber lands, agricultural lands, commercial lands, and other lands, and identify revenues from leases or other sources for those lands. The department must briefly describe the income from these trust lands, and potential enhancements to income, including intergenerational income, from the asset bases of these trusts.

(3) The analysis must estimate the current fair market value of these lands for each trust beneficiary, including the separate beneficiaries of state lands as defined in RCW 79.02.010, and the beneficiaries of state forestlands as specified in chapter 79.22 RCW. The estimation of current fair market values must specify the values by the various asset classes including, but not limited to, the following asset classes: Timber lands; irrigated agriculture; dryland agriculture, including grazing lands; commercial real estate; mining; and other income production. The analysis must also estimate the value of ecosystem services and recreation benefits for asset classes that produce these benefits. The legislature encourages the department and its contractors to develop methods and tools to allow tracking of the estimated fair market values over time.

(4) For each of the different asset classes and for each of the various trusts, the analysis must calculate the average annual gross and net income as a percentage of estimated current asset value.

(5) The department must provide a progress report to the legislature by December 1, 2018. A follow up progress report is expected to be provided by December 1, 2019, and may include any initial recommendations. The final report is expected to be submitted by June 30, 2020, and must include options to:

(a) Improve the net rates of return on different classes of assets;

(b) Increase the reliability of, and enhance if possible, revenue for trust beneficiaries; and

(c) Present and explain factors that either (i) define, (ii) constrict, or (iii) define and constrict the department's management practices and revenue production. The factors to be considered include, but are not limited to, statutory, constitutional, operational, and social factors.

Sec. 7016. RCW 43.17.200 and 2005 c 36 s 4 are each amended to read as follows:

(1) All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art.

(2) During the 2017-2019 fiscal biennium, for projects funded in the capital budget, a state agency, working with the Washington state arts commission, may expend up to ten percent of the projected art allocation for a project during the design phase in order to select an artist and design art to be integrated in the building design. The one-half of one percent to be expended by the Washington state arts commission must be adjusted downward by the amount expended by a state agency during the design phase of the capital project.

(3) The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(4) In addition to the cost of the works of art, the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses, or other buildings of a temporary nature.

NEW SECTION. Sec. 7017. 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. 7018.** *2018 c ... (SHB 1656) s 13 (uncodified) is repealed.*

**Sec. 7018 was vetoed. See message at end of chapter.*

***NEW SECTION. Sec. 7019.** *Section 7018 of this act takes effect when chapter . . . (Substitute House Bill No. 1656), Laws of 2018 takes effect.*

**Sec. 7019 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 7020. Except for section 7018 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the Senate March 8, 2018.

Passed by the House March 6, 2018.

Approved by the Governor March 27, 2018, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State March 29, 2018.

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

"I am returning herewith, without my approval as to Sections 3011(2), 3011(3), 3011(4), 4002, 7018, and 7019, Engrossed Substitute Senate Bill No. 6095 entitled:

"AN ACT Relating to the capital budget."

Sections 3011(2), (3) and (4), page 83, Department of Ecology, Water Availability (91000343)

I appreciate the bipartisan effort and support to pass Engrossed Substitute Senate Bill 6091 (ESSB 6091) and the accompanying appropriation of \$20 million in the enacted capital budget. Together, these measures are important in allowing appropriate development to proceed in rural areas of our state while also ensuring the protection of instream flows. Negotiations on ESSB 6091 were both substantial and difficult. Sections 3011(2), (3) and (4) single out particular projects for funding. This is a departure from the planning and implementation processes established only weeks ago in ESSB 6091, and circumvents the Department of Ecology's efforts to prioritize and approve projects. For these reasons, I have vetoed Sections 3011(2), (3) and (4).

Section 4002, pages 110-112, Aviation Revitalization Loans (92000003)

This section contains amendments identical to Substitute House Bill 1656 (SHB 1656) and reduces the amount available for loans by \$2.5 million. Because I have vetoed SHB 1656 and I support the original \$5 million appropriation, I have vetoed Section 4002.

Section 7018, page 153

Section 7018 repeals Section 13 of Substitute House Bill 1656 (SHB 1656). Because I have vetoed SHB 1656, there is no need to repeal a section in that bill. For this reason, I have vetoed Section 7018.

Section 7019, page 154

Section 7019 directs that Section 7018 takes effect when Substitute House Bill 1656 (SHB 1656) takes effect. Because I have vetoed Section 7018 and SHB 1656, this section is not necessary. For this reason, I have vetoed Section 7019.

For these reasons I have vetoed Sections 3011(2), 3011(3), 3011(4), 4002, 7018, and 7019 of Engrossed Substitute Senate Bill No. 6095.

With the exception of Sections 3011(2), 3011(3), 3011(4), 4002, 7018, and 7019, Engrossed Substitute Senate Bill No. 6095 is approved."

CHAPTER 299

[Engrossed Substitute Senate Bill 6032]

OPERATING BUDGET--SUPPLEMENTAL

AN ACT Relating to fiscal matters; amending RCW 43.41.433, 28B.20.476, 41.26.802, 69.50.530, 69.50.540, 70.105D.070, 76.04.610, 77.12.203, 79.105.150, 82.19.040, 86.26.007, 90.56.500, 18.39.810, 43.79.445, 39.12.080, and 43.350.070; amending 2017 3rd sp.s. c 1 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 148, 145, 147, 149, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 518, 519, 520, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 703, 708, 720, 721, 722, 723, 724, 718, 718, 801, 805, 936, 937, 942, and 944 (uncodified); amending 2017 c 290 s 2 (uncodified); adding new sections to 2017 3rd sp.s. c 1 (uncodified); adding a new section to chapter 43.79 RCW; repealing 2017 3rd sp.s. c 1 s 737 (uncodified); making appropriations; providing expiration dates; and declaring an emergency.

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

PART I

GENERAL GOVERNMENT

Sec. 101. 2017 3rd sp.s. c 1 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund—State Appropriation (FY 2018) ((~~\$37,642,000~~))

	<u>\$35,641,000</u>
General Fund—State Appropriation (FY 2019)	((\$39,205,000))
	<u>\$37,586,000</u>
((Motor Vehicle Account—State Appropriation	\$2,011,000))
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$4,280,000</u>
TOTAL APPROPRIATION	((\$78,858,000))
	<u>\$77,507,000</u>

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

(1) \$27,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the tax structure reform work group. The speaker shall designate one member from each of the major caucuses in the house of representatives as a work group to facilitate public discussions throughout the state regarding Washington's tax structure. As part of this effort, the work group may hold up to seven public meetings in geographically dispersed areas of the state throughout the 2017-2019 fiscal biennium. These discussions may include but are not limited to the advantages and disadvantages of the state's current tax structure and potential options to improve the current structure for the benefit of individuals, families, and businesses in Washington state. The work group is staffed by the office of program research. The work group may report to the house of representatives finance committee and other house of representatives committees upon request of the committee chair.

(2) The joint select committee on health care oversight shall collaborate with the health care authority and the department of health to develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

Sec. 102. 2017 3rd sp.s. c 1 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund—State Appropriation (FY 2018)	((\$26,369,000))
	<u>\$25,056,000</u>
General Fund—State Appropriation (FY 2019)	((\$29,451,000))
	<u>\$28,548,000</u>
((Motor Vehicle Account—State Appropriation	\$1,903,000))
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$2,941,000</u>
TOTAL APPROPRIATION	((\$57,723,000))
	<u>\$56,545,000</u>

The appropriations in this section are subject to the following conditions and limitations: The joint select committee on health care oversight shall collaborate with the health care authority and the department of health to develop a plan to restructure and strengthen the rural health care system. To the extent possible, the committee shall leverage findings of the Washington rural health access preservation pilot.

*Sec. 103. 2017 3rd sp.s. c 1 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund—State Appropriation (FY 2018).....	\$135,000
General Fund—State Appropriation (FY 2019).....	\$29,000
Performance Audits of Government—State	
Appropriation.....	(\$8,619,000)
	<u>\$8,341,000</u>
TOTAL APPROPRIATION.....	(\$8,783,000)
	<u>\$8,505,000</u>

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 2017-2019 work plan as necessary to efficiently manage workload.

(2) The committee shall complete its analysis of fire suppression funding and costs for the department of natural resources and the state fire marshal. A report on the results of the analysis with any findings and recommendations shall be submitted to the appropriate committees of the legislature by December 2017.

(3) \$308,000 of the performance audits of government account—state appropriation is provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

~~((5))~~ (4) \$100,000 of the performance audits of government account—state appropriation is provided solely for an evaluation of: (a) The adequacy and effectiveness of the department of commerce office of youth homelessness performance based contracting with homelessness service providers; and (b) compliance with the performance measurement, reporting, and quality award program application requirements of chapter 43.185C RCW.

~~((6))~~ (5) The agency is directed to use its moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

~~((7))~~ (6)(a) \$250,000 of the performance audit of government—state appropriation is provided solely for the committee to conduct a study of the employment services and community access services provided by the department of social and health services for individuals with a developmental disability. The study should explore the following topics:

- (i) The costs and benefits associated with prevocational training programs;
- (ii) The process of requesting and authorizing prevocational services;
- (iii) The costs and benefits associated with employment programs, including a review of hours worked each month and the usage of job coaches;
- (iv) The process of requesting and authorizing employment services, including a review of clients over the age of 21 who have requested service and received a denial due to a lack of funding;
- (v) The costs and benefits associated with community access services; and
- (vi) The process of requesting and authorizing community access services, including a review of who have been denied an exception to policy for community access services.

(b) The evaluation must solicit input from interested stakeholders to include, but not be limited to, the ARC of Washington, the developmental disabilities council, the Washington association of counties, and disability rights of Washington.

(c) The evaluation is due to the legislature by December 1, 2018.

(7) \$32,000 of the performance audits of government account—state appropriation is provided solely for implementation of Second Engrossed Substitute House Bill No. 1508 (student meals and nutrition). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$132,000 of the performance audits of government account—state appropriation is provided solely for implementation of Engrossed Fourth Substitute Senate Bill No. 5251 (tourism marketing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$16,000 of the performance audits of government—state appropriation is provided solely for implementation of Substitute House Bill No. 1154 (fishing and seafood processing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$14,000 of the performance audits of government—state appropriation is provided solely for implementation of Substitute House Bill No. 2269 (adaptive automotive equipment tax). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(11) \$13,000 of the performance audits of government—state appropriation is provided solely for implementation of Substitute House Bill No. 2448 (developmental disability housing/tax). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$22,000 of the performance audits of government—state appropriation is provided solely for implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

**Sec. 103 was partially vetoed. See message at end of chapter.*

Sec. 104. 2017 3rd sp.s. c 1 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Performance Audits of Government—State

Appropriation. \$4,175,000

The appropriation in this section is subject to the following conditions and limitations: The agency is directed to use ((~~its~~)) moneys in the savings incentive account for one-time relocation, furniture, equipment, and tenant improvements costs to move to the 1063 building.

Sec. 105. 2017 3rd sp.s. c 1 s 105 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State Appropriation (FY 2018)~~(\$10,730,000))~~

\$10,320,000

General Fund—State Appropriation (FY 2019)~~(\$10,254,000))~~

\$10,802,000

Pension Funding Stabilization Account—State

<u>Appropriation</u>	\$825,000
TOTAL APPROPRIATION.....	(\$20,984,000)
	<u>\$21,947,000</u>

Sec. 106. 2017 3rd sp.s. c 1 s 106 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund—State Appropriation (FY 2018).....	(\$302,000)
	<u>\$288,000</u>
General Fund—State Appropriation (FY 2019).....	(\$308,000)
	<u>\$293,000</u>
State Health Care Authority Administrative Account—State Appropriation.....	\$406,000
Department of Retirement Systems Expense Account—State Appropriation	(\$5,110,000)
	<u>\$5,106,000</u>

Pension Funding Stabilization Account—State

<u>Appropriation</u>	\$28,000
TOTAL APPROPRIATION.....	(\$6,126,000)
	<u>\$6,121,000</u>

The appropriations in this section are subject to the following conditions and limitations: The office shall provide actuarial support to the Washington state institute for public policy for the study of single payer and universal coverage health care systems described in section 606(15) of this act. The office may use funding previously provided for legislative health care actuarial analysis for this purpose.

Sec. 107. 2017 3rd sp.s. c 1 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2018).....	(\$4,936,000)
	<u>\$4,649,000</u>
General Fund—State Appropriation (FY 2019).....	(\$5,455,000)
	<u>\$5,161,000</u>

Pension Funding Stabilization Account—State

<u>Appropriation</u>	\$568,000
TOTAL APPROPRIATION.....	(\$10,391,000)
	<u>\$10,378,000</u>

Sec. 108. 2017 3rd sp.s. c 1 s 108 (uncodified) is amended to read as follows:

FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES

General Fund—State Appropriation (FY 2018).....	(\$4,043,000)
	<u>\$3,823,000</u>
General Fund—State Appropriation (FY 2019).....	(\$4,485,000)
	<u>\$4,261,000</u>

Pension Funding Stabilization Account—State

<u>Appropriation</u>	\$438,000
TOTAL APPROPRIATION.....	(\$8,528,000)
	<u>\$8,522,000</u>

Sec. 109. 2017 3rd sp.s. c 1 s 110 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund—State Appropriation (FY 2018) . . . . .	..((\$8,046,000))
	<u>\$7,712,000</u>
General Fund—State Appropriation (FY 2019) . . . . .	..((\$8,368,000))
	<u>\$8,025,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$671,000
TOTAL APPROPRIATION . . . . .	..((\$16,414,000))
	<u>\$16,408,000</u>

Sec. 110. 2017 3rd sp.s. c 1 s 111 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund—State Appropriation (FY 2018) . . . . .	..((\$1,685,000))
	<u>\$1,622,000</u>
General Fund—State Appropriation (FY 2019) . . . . .	..((\$1,714,000))
	<u>\$1,652,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$128,000
TOTAL APPROPRIATION . . . . .	..((\$3,399,000))
	<u>\$3,402,000</u>

Sec. 111. 2017 3rd sp.s. c 1 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund—State Appropriation (FY 2018) . . . . .	..((\$1,340,000))
	<u>\$1,247,000</u>
General Fund—State Appropriation (FY 2019) . . . . .	..((\$1,236,000))
	<u>\$1,203,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$130,000
TOTAL APPROPRIATION . . . . .	..((\$2,576,000))
	<u>\$2,580,000</u>

Sec. 112. 2017 3rd sp.s. c 1 s 113 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund—State Appropriation (FY 2018) . . . . .	..((\$18,077,000))
	<u>\$17,342,000</u>
General Fund—State Appropriation (FY 2019) . . . . .	..((\$18,860,000))
	<u>\$18,066,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$1,477,000
TOTAL APPROPRIATION . . . . .	..((\$36,937,000))
	<u>\$36,885,000</u>

Sec. 113. 2017 3rd sp.s. c 1 s 114 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2018)((\$56,910,000))
--	---------------------------------

	<u>\$55,112,000</u>
General Fund—State Appropriation (FY 2019)	((\$58,751,000))
	<u>\$58,597,000</u>
General Fund—Federal Appropriation	((\$2,175,000))
	<u>\$2,174,000</u>
General Fund—Private/Local Appropriation	((\$677,000))
	<u>\$676,000</u>
Judicial Information Systems Account—State Appropriation	((\$58,486,000))
	<u>\$61,089,000</u>
Judicial Stabilization Trust Account—State Appropriation	\$6,691,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$4,580,000</u>
TOTAL APPROPRIATION	((\$183,690,000))
	<u>\$188,919,000</u>

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

(1) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2) \$1,399,000 of the general fund—state appropriation for fiscal year 2018 and \$1,399,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$7,313,000 of the general fund—state appropriation for fiscal year 2018 and \$7,313,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2017-2019 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 deemed informational in nature and are not for the purpose of distributing funds.

(4) \$12,000,000 of the judicial information systems account—state appropriation is provided solely for the continued implementation of the superior courts case management system. Of the amount appropriated, \$8,300,000 is provided solely for expenditures in fiscal year 2018. The remaining appropriation of \$3,700,000 is provided solely for expenditures in fiscal year 2019 and shall lapse and remain unexpended if the superior court case management system is not live and fully functional in Cowlitz, Grays Harbor, Klickitat, Mason, Pacific, and Skamania counties by July 1, 2017, and Clallum, Jefferson, Kitsap, Skagit, and Whatcom counties by January 1, 2018.

(5) \$4,339,000 of the judicial information systems account—state appropriation is provided solely for the information network hub project.

(6)(a) (~~(\$10,000,000)~~) \$10,390,000 of the judicial information systems account—state appropriation is provided solely for other judicial branch information technology projects, including:

- (i) The superior court case management system;
- (ii) The courts of limited jurisdiction case management system;
- (iii) (~~(Equipment replacement)~~) The appellate court case management system; and
- (iv) Support staff for information technology projects.

(b) Expenditures from the judicial information systems account shall not exceed available resources. The office must coordinate with the steering committee for the superior court case management system and the steering committee for the courts of limited jurisdiction case management system to prioritize expenditures for judicial branch information technology projects. For any competitive procurement using amounts appropriated, the office of the chief information officer must review the qualifications and proposed work plan of the apparently successful bidder prior to final selection and review the proposed vendor contract prior to its execution. The office shall not enter into any contract using appropriated amounts that would cause total information technology expenditures to exceed projected resources in the judicial information systems account in the 2019-2021 fiscal biennium.

(7) (~~(\$406,000)~~) \$811,000 of the general fund—state appropriation for fiscal year 2018 (~~(and \$405,000 of the general fund—state appropriation for fiscal year 2019 are)~~) is provided solely for the statewide fiscal impact on Thurston county courts. The administrative office of the courts must collaborate with Thurston county to create a new fee formula that accurately represents the state's impact on Thurston county courts.

(8) \$53,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(9) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$58,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(10) \$120,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for staff to support the superior court judges association as provided in the agreement between the association and the office.

(11) \$2,265,000 of the judicial information systems account—state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades.

(12) \$602,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for state costs for the implementation of Engrossed Second Substitute House Bill No. 1783 (legal financial obligations). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$1,900,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for grants to counties and cities for the impacts from Engrossed Second Substitute House Bill No. 1783 (legal financial obligations). Funding must be divided equally between counties and cities and distributed as grants to mitigate demonstrated costs and revenue losses from the legislation. It is the legislature's intent that grants will continue only through the 2019-2021 fiscal biennium as follows: (a) Funding in fiscal year 2020 must be distributed in the same proportion and basis as fiscal year 2019; and (b) funding for fiscal year 2021 must be divided eighty-five percent to counties and fifteen percent to cities and distributed based on demonstrated revenue losses from the legislation. If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 114. 2017 3rd sp.s. c 1 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund—State Appropriation (FY 2018)	((\$41,558,000))
	<u>\$42,129,000</u>
General Fund—State Appropriation (FY 2019)	((\$42,539,000))
	<u>\$44,448,000</u>
Judicial Stabilization Trust Account—State	
Appropriation	((\$3,710,000))
	<u>\$3,714,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$278,000</u>
TOTAL APPROPRIATION	((\$87,807,000))
	<u>\$90,569,000</u>

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

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$1,101,000 of the general fund—state appropriation for fiscal year 2018 and \$1,101,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for parents representation program costs related to increased parental rights termination filings from the department of social and health services permanency initiative.

(3) \$900,000 of the general fund—state appropriation for fiscal year 2018 and \$900,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the purpose of improving the quality of trial court public

defense services. The department must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(4) \$2,384,000 of the general fund—state appropriation for fiscal year 2018 and \$3,364,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office to complete the expansion of the parents representation program in the following counties: Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, Walla Walla, and the remainder of Pierce.

(5) \$490,000 of the general fund—state appropriation for fiscal year 2018 and \$490,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the parents for parents program. Funds must be used to expand services in four new sites, and maintain and improve service models for the current programs in Grays Harbor/Pacific, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston/Mason counties.

(6) \$432,000 of the general fund—state appropriation for fiscal year 2018 and \$432,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for vendor rate increases. Of the amounts provided in this subsection, \$188,000 each fiscal year is provided solely for an increase in the rate for contracted social workers.

(7) \$960,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for vendor rate increase of two percent beginning July 1, 2018, and two percent beginning January 1, 2019, for contracted attorneys providing indigent legal defense services in parents representation, civil commitment, and appellate criminal defense.

Sec. 115. 2017 3rd sp.s. c 1 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund—State Appropriation (FY 2018)	((\$14,855,000))
	<u>\$14,833,000</u>
General Fund—State Appropriation (FY 2019)	((\$16,490,000))
	<u>\$17,230,000</u>
Judicial Stabilization Trust Account—State	
Appropriation	\$1,463,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$44,000</u>
TOTAL APPROPRIATION	((\$32,808,000))
	<u>\$33,570,000</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 2018 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2019 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) \$1,075,000 of the general fund—state appropriation for fiscal year 2018 and \$2,600,000 of the general fund—state appropriation for fiscal year 2019 are

provided solely for the office to partially implement the civil legal aid reinvestment plan.

(3) \$338,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the addition of five contract attorneys beginning January 1, 2019, to further implement the civil legal aid reinvestment plan.

(4) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office to automate, deploy, and host a plain language family law forms document assembly system.

(5) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with the international families justice coalition to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. Moneys may not be expended from this appropriation for private legal representation of clients in domestic relations and family law cases.

Sec. 116. 2017 3rd sp.s. c 1 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2018)	((\$6,406,000))
	\$6,221,000
General Fund—State Appropriation (FY 2019)	((\$5,833,000))
	\$7,328,000
<u>Economic Development Strategic Reserve Account—State</u>	
<u>Appropriation</u>	\$4,000,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$676,000
TOTAL APPROPRIATION	((\$12,239,000))
	\$18,225,000

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

(1) \$703,000 of the general fund—state appropriation for fiscal year 2018 and \$703,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the education ombuds.

(2) \$730,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). The amount of state and federal funding to be transferred from the department of social and health services to the department of children, youth, and families for the working connections child care services, administration, and staff must be included in the report required by the bill on how to incorporate the staff responsible for determining eligibility for the working connections child care program into the department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(3) \$1,216,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$5,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000 of the general fund—state appropriation for fiscal year 2019 are provided

to the office of the governor to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy internship program.

(5) \$291,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2759 (women's commission). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 117. 2017 3rd sp.s. c 1 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2018)	(\$833,000)
	<u>\$807,000</u>
General Fund—State Appropriation (FY 2019)	(\$859,000)
	<u>\$901,000</u>
General Fund—Private/Local Appropriation	\$90,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$54,000
TOTAL APPROPRIATION	(\$1,782,000)
	<u>\$1,852,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$70,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of the complete Washington program, a program coordinated by the office of the lieutenant governor with the purpose of connecting prior learning with postsecondary degree completion.

Sec. 118. 2017 3rd sp.s. c 1 s 119 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2018)	(\$2,826,000)
	<u>\$2,697,000</u>
General Fund—State Appropriation (FY 2019)	(\$2,872,000)
	<u>\$3,965,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$260,000
TOTAL APPROPRIATION	(\$5,698,000)
	<u>\$6,922,000</u>

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

(1) \$37,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for modernizing and migrating the public disclosure commission's business applications from an agency-based data center to the state data center or a cloud environment.

(2) \$875,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Substitute House Bill No. 2938 (campaign finance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

***Sec. 119.** 2017 3rd sp.s. c 1 s 120 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2018)	((<u>\$15,131,000</u>))
	<u>\$15,708,000</u>
General Fund—State Appropriation (FY 2019)	((<u>\$13,465,000</u>))
	<u>\$13,742,000</u>
General Fund—Federal Appropriation	((<u>\$7,801,000</u>))
	<u>\$7,793,000</u>
Public Records Efficiency, Preservation, and Access Account—State Appropriation	((<u>\$9,223,000</u>))
	<u>\$9,219,000</u>
Charitable Organization Education Account—State Appropriation	\$673,000
Local Government Archives Account—State Appropriation	((<u>\$10,946,000</u>))
	<u>\$10,942,000</u>
Election Account—Federal Appropriation	\$4,387,000
Washington State Heritage Center Account—State Appropriation	((<u>\$10,383,000</u>))
	<u>\$10,626,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$959,000</u>
TOTAL APPROPRIATION	((<u>\$72,009,000</u>))
	<u>\$74,049,000</u>

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

(1) \$3,301,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,932,000 of the general fund—state appropriation for fiscal year 2018 and \$3,011,000 of the general fund—state appropriation for fiscal year 2019 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 2017-2019 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

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

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that

measure the success of the nonprofit organization in meeting the intent of the program.

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

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

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

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

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

(4) \$15,000 of the general fund—state appropriation for fiscal year 2018, \$15,000 of the general fund—state appropriation for fiscal year 2019, \$4,000 of the public records efficiency, preservation and access account, and \$2,253,000 of the local government archives account appropriation are provided solely for the implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(5) The office of the secretary of state will enter into an agreement with the office of the attorney general to reimburse costs associated with the requirements of chapter 303, Laws of 2017.

(6) \$35,000 of the general fund—state appropriation for fiscal year 2018 and \$39,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for humanities Washington speaker's bureau community conversations to expand programming in underserved areas of the state.

(7) \$285,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 2406 (election security practices). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$102,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

**Sec. 119 was partially vetoed. See message at end of chapter.*

Sec. 120. 2017 3rd sp.s. c 1 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2018)	((\$289,000))
	<u>\$274,000</u>
General Fund—State Appropriation (FY 2019)	((\$276,000))
	<u>\$263,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$28,000
TOTAL APPROPRIATION	\$565,000

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

Sec. 121. 2017 3rd sp.s. c 1 s 122 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2018)	((\$253,000))
	<u>\$243,000</u>
General Fund—State Appropriation (FY 2019)	((\$263,000))
	<u>\$252,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$26,000</u>
TOTAL APPROPRIATION	((\$516,000))
	<u>\$521,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,000 of the general fund—state appropriation for fiscal year 2018 and \$3,000 of the general fund—state appropriation for fiscal year 2019 are provided to the commission on Asian Pacific American affairs to support the Ruth Woo fellow. Funding will provide financial support for the Ruth Woo fellow participating in the governor's leadership academy, a ten-week summer internship program administered by the office of the governor. Funding is provided for, but not limited to, living expenses and travel costs.

***Sec. 122.** 2017 3rd sp.s. c 1 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account—State	
Appropriation	((\$18,918,000))
	<u>\$19,371,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$75,000 of the state treasurer's service account—state appropriation is provided solely to establish a task force on public infrastructure and a publicly-owned depository. The task force must examine the scope of financial needs for local governments for constructing public infrastructure; the feasibility of creating a publicly-owned depository to facilitate investment in, and financing of, public infrastructure systems that will increase public health and safety, and leverage the financial capital and resources of Washington state by working in partnership with financial institutions that benefit local communities, or with community-based organizations, economic development organizations, local governments, guaranty agencies, and other stakeholder groups to create jobs and economic opportunities within our state for public benefit.

(1) The task force will consist of one member from each of the two largest caucuses of the senate appointed by the president of the senate; one member

from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives; members representing a small sized state-chartered bank, a medium sized state-chartered bank, a federally chartered bank, local governments, and four citizens with a background in financial issues or public infrastructure selected by the president of the senate and the speaker of the house of representatives; and the attorney general, the state auditor, the treasurer, and the governor, or their designees. The task force will ensure that ample opportunity for input from interested stakeholders is provided. The department of commerce, the department of financial institutions, and the treasurer must cooperate with the task force and provide information and assistance at the request of the task force.

(2) The task force will report any recommendations identified by the task force that involve statutory changes, funding recommendations, or administrative action to the legislature as draft legislation by December 1, 2017.

(3) \$303,000 of the state treasurer's service account—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2718 (civil forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

**Sec. 122 was partially vetoed. See message at end of chapter.*

Sec. 123. 2017 3rd sp.s. c 1 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund—State Appropriation (FY 2018)	\$28,000
General Fund—State Appropriation (FY 2019)	\$32,000
State Auditing Services Revolving Account—State Appropriation.	(\$10,219,000)
	<u>\$10,906,000</u>
Performance Audit of Government Account—State Appropriation.	(\$3,019,000)
	<u>\$3,017,000</u>
TOTAL APPROPRIATION	(\$13,298,000)
	<u>\$13,983,000</u>

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

(1) \$774,000 of the performance audit of government account—state appropriation is provided solely for the state auditor's office to conduct a performance audit of the department of health focused on the fee setting for each health profession licensed by the department. The performance audit must include, but is not limited to:

- (a) A review of each health profession's process for setting application, licensure, renewal, examination, and indirect fees;
- (b) A review of the costs of running each health profession program or board;

(c) An analysis of how any moneys collected as indirect charges levied on a health profession are used by the department; and

(d) A review of any department policies or procedures that have been adopted in an attempt to reduce the fee levels of any of the health professions.

(e) A final report of the performance audit must be submitted to the appropriate legislative policy and fiscal committees by December 1, 2018.

(2) \$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.

(3) \$667,000 of the performance audits of government account—state appropriation (~~for fiscal year 2018~~) is provided solely for the state auditor's office to conduct a performance audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2). The final report of the performance audit must be submitted to the appropriate legislative policy committees by (~~June 30~~) December 31, 2018. The audit must include (~~eight~~) ten schools currently in (~~their first year of~~) operation and, subject to the availability of data, must (~~address the following questions~~) include, but is not limited to evaluating, the following operational and academic outcomes:

(a) Whether the charter school has a charter contract that includes performance provisions based on a performance framework that sets forth academic and operational performance indicators, measures, and metrics;

(b) Whether the charter school performance framework includes indicators, measures, and metrics for student academic proficiency, student academic growth, achievement gaps in both proficiency and growth between major student subgroups, attendance, recurrent enrollment from year to year, financial performance and sustainability, and charter school board compliance with applicable laws, rules and terms of the charter contract; and

(c) Whether the charter school performance framework includes a disaggregation of student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(4) \$700,000 of the auditing services revolving account—state appropriation is provided solely for the state auditor's office to conduct ten additional program or agency audits.

Sec. 124. 2017 3rd sp.s. c 1 s 125 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2018)	(\$204,000)
	<u>\$213,000</u>
General Fund—State Appropriation (FY 2019)	(\$205,000)
	<u>\$217,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$30,000</u>
TOTAL APPROPRIATION	(\$409,000)
	<u>\$460,000</u>

Sec. 125. 2017 3rd sp.s. c 1 s 126 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2018)	((\$8,641,000))	<u>\$7,868,000</u>
General Fund—State Appropriation (FY 2019)	((\$8,951,000))	<u>\$8,300,000</u>
General Fund—Federal Appropriation	((\$6,969,000))	<u>\$11,945,000</u>
New Motor Vehicle Arbitration Account—State Appropriation	((\$1,145,000))	<u>\$1,143,000</u>
Legal Services Revolving Account—State Appropriation	((\$245,290,000))	<u>\$251,030,000</u>
Tobacco Prevention and Control Account—State Appropriation	\$273,000	
Medicaid Fraud Penalty Account—State Appropriation	((\$3,526,000))	<u>\$3,511,000</u>
Public Service Revolving Account—State Appropriation	((\$2,373,000))	<u>\$2,723,000</u>
Child Rescue Fund—State Appropriation	((\$550,000))	<u>\$500,000</u>
Local Government Archives Account—State Appropriation	\$660,000	
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$1,606,000</u>	
TOTAL APPROPRIATION	((\$278,378,000))	<u>\$289,559,000</u>

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

- (1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.
- (2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.
- (3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The

report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) \$353,000 of the general fund—state appropriation for fiscal year 2018 and \$353,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

(5) \$92,000 of the general fund—state appropriation for fiscal year 2018 and \$91,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 163, Laws of 2017 (SHB 1055) (military members/pro bono).

(6) \$49,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(7) \$276,000 of the general fund—state appropriation for fiscal year 2018 and \$259,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(8) \$22,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$35,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 249, Laws of 2017 (ESHB 1714) (nursing staffing/hospitals).

(10) \$361,000 of the legal services revolving account—state appropriation and \$660,000 of the local government archives account—state appropriation are provided solely for implementation of chapter 303, Laws of 2017 (ESHB 1594) (public records administration).

(11) \$40,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of chapter 243, Laws of 2017 (HB 1352) (small business owners).

(12) \$67,000 of the legal services revolving account—state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

(13) \$11,000 of the legal services revolving account—state appropriation is provided solely for the implementation of chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(14) \$26,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2578 (housing options). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(15) \$119,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 1, Laws of 2018 (ESSB 6091).

(16) \$96,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6029 (student loan bill of rights). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(17) \$48,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2938

(campaign finance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(18) \$116,000 of the legal services revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(19) \$72,000 of the legal services revolving account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds, creating). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$78,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 1298 (job applicants/arrests). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$350,000 of the public service revolving account—state appropriation is provided solely for additional expert witness assistance for the public counsel unit.

Sec. 126. 2017 3rd sp.s. c 1 s 127 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2018) . . . . .	..((\$1,606,000))	<u>\$1,555,000</u>
General Fund—State Appropriation (FY 2019) . . . . .	..((\$1,576,000))	<u>\$1,775,000</u>
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>		<u>\$169,000</u>
TOTAL APPROPRIATION . . . . .	..((\$3,182,000))	<u>\$3,499,000</u>

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

(1) In addition to caseload forecasts for common schools as defined in RCW 43.88C.010(7), during the 2017-2019 fiscal biennium the council must provide a separate forecast of enrollment for charter schools authorized by chapter 28A.710 RCW.

(2) \$46,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$108,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the caseload forecast council to prepare and submit to the legislature prior to each legislative session a general disproportionality report. The general disproportionality report must contain the following information:

(a) A table of percentages based on the total number of adult felony sentences in each crime category, distributed by race and ethnicity;

(b) A table of percentages based on the total number of adult felony sentences reduced to misdemeanors in each crime category, distributed by race and ethnicity;

(c) A table of percentages of Washington state's general adult at-risk population, between the ages of eighteen and fifty-four, distributed by race and ethnicity;

(d) A complete list of felony offenses in each crime forecasting category; and

(e) A discussion of limitations in the data presented in (a) and (c) of this subsection.

(4) \$20,000 of the general fund—state appropriation for fiscal year 2018 and \$73,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the council to assist with the review of the sentencing reform act being conducted by the sentencing guidelines commission.

*Sec. 127. 2017 3rd sp.s. c 1 s 128 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund—State Appropriation (FY 2018)	(\$64,989,000)	
		<u>\$64,290,000</u>
General Fund—State Appropriation (FY 2019)	(\$65,634,000)	
		<u>\$77,359,000</u>
General Fund—Federal Appropriation	(\$295,855,000)	
		<u>\$295,840,000</u>
General Fund—Private/Local Appropriation	(\$8,623,000)	
		<u>\$8,922,000</u>
Public Works Assistance Account—State Appropriation	(\$8,092,000)	
		<u>\$8,086,000</u>
Drinking Water Assistance Administrative Account—State Appropriation	(\$508,000)	
		<u>\$507,000</u>
Lead Paint Account—State Appropriation	(\$238,000)	
		<u>\$237,000</u>
Building Code Council Account—State Appropriation		\$15,000
Home Security Fund Account—State Appropriation	(\$48,400,000)	
		<u>\$54,268,000</u>
Affordable Housing for All Account—State Appropriation	(\$13,867,000)	
		<u>\$13,866,000</u>
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation		\$1,974,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation		\$1,398,000
Community and Economic Development Fee Account—State Appropriation	(\$4,630,000)	
		<u>\$4,628,000</u>
Washington Housing Trust Account—State Appropriation	(\$12,617,000)	
		<u>\$12,615,000</u>
Prostitution Prevention and Intervention Account—		

State Appropriation	\$26,000
Public Facility Construction Loan Revolving Account—State Appropriation	(\$842,000)
	<u>\$841,000</u>
Drinking Water Assistance Account—State Appropriation.	(\$46,000)
	<u>\$44,000</u>
Liquor Revolving Account—State Appropriation	\$5,613,000
Energy Freedom Account—State Appropriation	(\$6,000)
	<u>\$5,000</u>
Liquor Excise Tax Account—State Appropriation.	(\$665,000)
	<u>\$663,000</u>
Economic Development Strategic Reserve Account—State Appropriation.	(\$5,611,000)
	<u>\$2,648,000</u>
Financial Services Regulation Account—State Appropriation.	\$468,000
Pension Funding Stabilization Account—State Appropriation.	<u>\$1,618,000</u>
Statewide Tourism Marketing Account—State Appropriation.	<u>\$1,500,000</u>
Life Sciences Discovery Account—State Appropriation.	<u>\$50,000</u>
TOTAL APPROPRIATION	(\$540,117,000)
	<u>\$557,481,000</u>

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

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$500,000)~~ \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to resolution Washington to building 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 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 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 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are

provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(6) ~~((\$5,602,000))~~ \$2,642,000 of the economic development strategic reserve account—state appropriation ~~((is))~~ and \$2,960,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for associate development organizations. During the 2017-2019 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.

(7) \$5,607,000 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)(a) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$500,000 of the general fund—state appropriation for fiscal year 2019, \$24,734,000 of the home security fund—state appropriation, and \$8,860,000 of the affordable housing for all account—state appropriation are provided solely for the consolidated homeless grant. Of the amounts appropriated, \$5,000,000 is provided solely for emergency assistance to homeless families in the temporary assistance for needy families program.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts ~~((that require, at a minimum, monthly reporting of performance and financial metrics))~~. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(9) \$700,000 of the general fund—state appropriation for fiscal year 2018 and ~~((\$700,000))~~ \$1,436,000 of the general fund—state appropriation for fiscal year 2019 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. ~~((For each dollar expended, the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations.))~~ Sector leads established by the department must include the industries of: (a) Tourism; (b) agriculture, wood products, and other natural resource industries; and (c) clean technology and renewable and nonrenewable energy. 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.

(10) 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.

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

(12) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the expansion of the current long-term care ombuds program to meet the immediate needs of individuals by advocating on behalf of and protecting residents of long-term care facilities from abuse, neglect, and exploitation.

(13) Within existing resources, the department of commerce shall consult with key crime victim services stakeholders to inform decisions about the funding distribution for federal fiscal years 2017-2019 victims of crime act victim assistance funding. These stakeholders must include, at a minimum, children's advocacy centers of Washington, Washington association of prosecuting attorneys, Washington association of sheriffs and police chiefs, Washington coalition against domestic violence, Washington coalition of sexual assault programs, Washington coalition of crime victim advocates, at least one representative from a child health coalition, and other organizations as determined by the department. Funding distribution considerations shall include, but are not limited to, geographic distribution of services, underserved populations, age of victims, best practices, and the unique needs of individuals, families, youth, and children who are victims of crime.

(14) \$643,000 of the liquor excise tax account—state appropriation is provided solely for the department of commerce to provide fiscal note assistance to local governments.

(15) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the northwest agriculture business center.

(16) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 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.

(17) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 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.

(18) \$94,000 of the general fund—state appropriation for fiscal year 2018 and \$253,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(19) \$60,000 of the general fund—state appropriation for fiscal year 2018 is provided solely as a grant to the Hoh Indian tribe for critical infrastructure, including a backup electrical power generator to address recurrent power outages in the community.

(20) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for capacity-building grants through the Latino community fund to promote and improve education, economic empowerment, arts and culture, civic engagement, health, and environmental justice for Latino communities in Washington state.

(21) \$643,000 of the general fund—state appropriation for fiscal year 2018 and \$643,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(22) \$39,000 of the general fund—state appropriation for fiscal year 2018 and \$39,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(23) \$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.

(24)(a) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$500,000 of the general fund—state appropriation for fiscal year 2019, and \$2,500,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs to:

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

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

(b) Of the amounts provided in this subsection, \$1,750,000 is provided solely for the department to decrease homelessness of youth under 18 years of age through increasing shelter capacity statewide with preference given to increasing the number of contracted HOPE beds and crisis residential center beds.

(c) The department must distribute appropriated amounts from the home security account through performance-based contracts (~~(that require, at a minimum, monthly reporting of performance and financial metrics)~~). The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(25) \$140,000 of the general fund—state appropriation for fiscal year 2018 and \$140,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to create a behavioral health supportive housing administrator within the department to coordinate development of effective behavioral health housing options and services statewide to aid in the discharge of individuals from the state psychiatric hospitals. This position must work closely with the 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 infrastructure capacity with ongoing supportive housing benefits, and must also develop and maintain a statewide inventory of mental health community beds by bed type.

(26)(a) \$1,000,000 of the home security fund—state appropriation for fiscal year 2018 and \$1,000,000 of the home security fund—state appropriation for fiscal year 2019 are provided solely to administer the grant program required in

chapter 43.185C RCW, linking homeless students and their families with stable housing.

(b) The department must distribute appropriated amounts from the home security account through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(27) \$990,000 of the general fund—state appropriation for fiscal year 2018 and \$1,980,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for 150 community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case-management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract with local entities to provide a mix of (a) shared permanent supportive housing; (b) independent permanent supportive housing; and (c) low and no-barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.

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

(28) \$557,000 of the general fund—state appropriation for fiscal year 2018 and \$557,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to design and administer the achieving a better life experience program.

(29) \$512,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to complete the requirements of the agricultural labor skills and safety grant program in chapter 43.330 RCW. This program expires July 1, 2018.

(30) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 225, Laws of 2017 (SSB 5713) (skilled worker program).

(31) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the wildfire project in the Wenatchee valley to provide public education on wildfire and forest health issues.

(32) \$167,000 of the general fund—state appropriation for fiscal year 2018 and \$167,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for community mobilization grants to safe Yakima and safe streets of Tacoma to foster community engagement through neighborhood

organizing, law enforcement-community partnerships, neighborhood watch programs, youth mobilization, and business engagement.

(33)(a) \$83,000 of the general fund—state appropriation for fiscal year 2018 and \$83,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to create el nuevo camino pilot project for the purpose of addressing serious youth gang problems in midsize counties in eastern Washington. El nuevo camino pilot project must include one grant to an eligible applicant for the 2017-2019 fiscal biennium. The department shall adopt policies and procedures as necessary to administer the pilot project, including the application process, disbursement of the grant award to the selected applicant, and tracking compliance and measuring outcomes. Partners, grant recipients, prosecutors, mental health practitioners, schools, and other members of the el nuevo camino pilot project, shall ensure that programs, trainings, recruiting, and other operations for el nuevo camino pilot project prohibit discriminatory practices, including biased treatment and profiling of youth or their communities. For the purposes of this subsection, antidiscriminatory practices prohibit grant recipients or their partners from using factors such as race, ethnicity, national origin, immigration or citizenship status, age, religion, gender, gender identity, gender expression, sexual orientation, and disability in guiding or identifying affected populations.

(b) An eligible applicant:

(i) Is a county located in Washington or its designee;

(ii) Is located east of the Cascade mountain range with an estimated county population between ninety thousand and one hundred thousand as of January 1, 2017;

(iii) Has an identified gang problem;

(iv) Pledges and provides a minimum of sixty percent of matching funds over the same time period of the grant;

(v) Has established a coordinated effort with committed partners, including law enforcement, prosecutors, mental health practitioners, and schools;

(vi) Has established goals, priorities, and policies in compliance with the requirements of (c) of this subsection; and

(vii) Demonstrates a clear plan to engage in long-term antigang efforts after the conclusion of the pilot project.

(c) The grant recipient must:

(i) Work to reduce youth gang crime and violence by implementing the comprehensive gang model of the federal juvenile justice and delinquency prevention act of 1974;

(ii) Increase mental health services to unserved and underserved youth by implementing the best practice youth mental health model of the national center for mental health and juvenile justice;

(iii) Work to keep high-risk youth in school, reenroll dropouts, and improve academic performance and behavior by engaging in a grass roots team approach in schools with the most serious youth violence and mental health problems, which must include a unique and identified team in each district participating in the project;

(iv) Hire a project manager and quality assurance coordinator;

(v) Adhere to recommended quality control standards for Washington state research-based juvenile offender programs as set forth by the Washington state institute for public policy; and

(vi) Report to the department by September 1, 2019, with the following:

(A) The number of youth and adults served through the project and the types of services accessed and received;

(B) The number of youth satisfactorily completing chemical dependency treatment in the county;

(C) The estimated change in domestic violence rates;

(D) The estimated change in gang participation and gang violence;

(E) The estimated change in dropout and graduation rates;

(F) The estimated change in overall crime rates and crimes typical of gang activity;

(G) The estimated change in recidivism for youth offenders in the county; and

(H) Other information required by the department or otherwise pertinent to the pilot project.

(d) The department shall report the information from (c)(vi) of this subsection and other relevant data to the legislature and the governor by October 1, 2019.

(34)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(35) \$102,000 of the general fund—state appropriation for fiscal year 2018 and \$75,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 315, Laws of 2017 (ESB 5128) (incremental energy).

(36) \$26,000 of the general fund—state appropriation for fiscal year 2018 and \$12,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 279, Laws of 2017 (SHB 1988) (vulnerable youth guardians).

(37) \$468,000 of the financial services regulation account—state appropriation is provided solely for the family prosperity account program.

(38) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

(39) The entire home security account appropriation in this section is provided solely for administration through performance-based contracts that require, at a minimum, monthly reporting of performance and financial metrics. The contracts must require that auditable documentation for the performance and financial metrics be provided to the joint legislative audit and review committee as requested for performance audits.

(40)(a) \$250,000 of the public works assistance account—state appropriation is provided solely for the department to contract with a consultant to study strategies for increasing the competitiveness of rural businesses in securing local government contracts within their same rural county, and for providing outreach services to employers in rural communities. The consultant must:

(i) Be a 501(c)(3) nonprofit organization;

(ii) Be located in a county with a population of less than two million; and

(iii) Provide statewide business representation and expertise with relevant experience in the evaluation of rural economies.

(b) The study must include the following:

(i) An analysis of the net economic and employment impacts to rural communities of awarding local government contracts to businesses outside the rural county in comparison to awarding local government contracts to businesses based in the same rural county;

(ii) A survey of local government entities to collect relevant data to include but not be limited to: The total number and amount of contracts awarded in 2015 and 2016 by local governments in rural counties; the number and amount of contracts awarded to businesses based in rural counties in comparison to the number and amounts awarded to businesses based in nonrural counties; the number of contracts where a rural business responded to a request for proposal but was not the minimum bidder; the percentage spread between the rural business and the lowest bidder; and the number of times the local government moved to the next most qualified bidder in a request for qualification out of the total professional service contracts awarded;

(iii) A review of current regulations and best practices in other jurisdictions. The study must identify existing policy barriers, if present, and potential policy changes to increase the competitiveness of rural businesses in securing local government contracts within their same geographic region, including but not be limited to the risks and benefits of establishing a preference for local businesses for rural government contracts; and

(iv) Discussion on the implications for projects that receive federal funding. The study must be provided to the office of financial management and fiscal committees of the legislature by December 31, 2017.

(c) The department's external relations division must expand existing outreach services offered to rural employers to include training on processes to compete effectively for public works contracts within their communities. The external relations division must receive training on contract law to better support their outreach services. The cost of the training may not exceed \$10,000.

(41) \$40,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Federal Way day center to provide housing and other assistance to persons over 18 experiencing homelessness.

(42) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Second Substitute Senate Bill No. 5254 (buildable lands and zoning). If this bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(43) \$700,000 of the general fund—state appropriation for fiscal year 2018 and \$600,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for staff and upgrades to the homeless management information system.

(44) \$50,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to conduct a study on the current state of data center industry in Washington and whether changes to existing state policies would result in additional investment and job creation in Washington as well as advance the development of the state's technology ecosystems. The study is due to the appropriate committees of the legislature by December 1, 2017.

(45) \$500,000 of the general fund—state appropriation for 2018 is provided solely for the department to formulate a statewide tourism marketing plan in collaboration with a nonprofit statewide tourism organization as provided in Substitute Senate Bill No. 5251.

(46) \$80,000 of the general fund—state appropriation for fiscal year 2018 and \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely as a grant to Klickitat county for a land use planner to process a backlog of permits that have not been processed by the Columbia river gorge commission due to lack of funds.

(47)(a) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract to study and report on independent contractor employment in Washington state. The contractor shall provide to the department an interim report to include a substantive update by November 1, 2018. The contractor report shall be provided to the department by June 1, 2019. The report must include information on the needs of workers earning income as independent contractors including sources of income, the amount of their income derived from independent work, and a discussion of the benefits provided to such workers.

(b) The department must convene an advisory committee to provide assistance with the development of the study. The advisory committee must comprise:

(i) Individuals from the public and private sector with expertise in labor laws;

(ii) Representatives of labor unions;

(iii) Representatives from nonprofit organizations promoting economic security and educational opportunity; and

(iv) Individuals from business and industry.

(48) \$1,070,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to expand the small business export assistance program and ensure that at least one new employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies; and for continuing the economic gardening program.

(49) \$1,500,000 of the statewide tourism marketing account—state appropriation is provided solely for implementation of Engrossed Fourth Substitute Senate Bill No. 5251 (tourism marketing). Of the amount appropriated, \$198,000 is provided solely for expenditures of the department that are related to implementation of the statewide tourism marketing program and operation of the authority. If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(50) \$96,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6175 (common interest ownership). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$1,576,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for administration and pass-through funding to assist Whatcom, Snohomish, King, Pierce, Kitsap, Thurston, and Clark counties with the implementation of chapter 16, Laws of 2017 3rd sp.s. (E2SSB 5254).

(52) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the city of Issaquah to host a regional or national sports medicine conference.

(53) \$149,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to fund a pilot project in Clark county to increase access to local workforce training. Funding must be used to contract with Partners in Careers to complete an assessment of basic literacy skills in connection to classes at Clark college or other programs to support the reading and math skills needed to complete workforce training; for case management to connect job seekers to community resources; and to support first time users or returners navigating the WorkSource system and engagement in on-the-job training and industry specific training in high demand fields.

(54) \$11,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the city of Port Angeles for the cost of analyzing bio char samples for evidence of dioxins, PAHs, and flame retardants and any other chemical compounds through a certified laboratory. Analysis results must be shared with local interest groups.

(55) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of homeless youth prevention and protection programs to conduct a survey of homeless youth service and informational gaps, especially in nonurban areas, with an emphasis on providing nonurban school districts with adequate informational resources related to homeless youth and youth in crisis services available in their community.

(56) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6081 (net metering) or Substitute House Bill No. 2995 (energy). If neither bill

is enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(57) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the city of Yakima to establish a gang prevention pilot program. The pilot program shall have the goal of creating a sustainable organized response to gang activity utilizing evidence-based resources.

(58) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the Seattle science foundation to develop a comprehensive 3D spinal cord atlas with the goal of providing clinicians and researchers with a digital map of the spinal cord.

(59) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with the Washington state microenterprise association to assist people with limited incomes in nonmetro areas of the state to start and sustain small businesses and embrace the effects of globalization.

(60) \$240,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2367 (child care collaboration task force). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(61) \$174,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(62) \$31,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(63)(a) \$300,000 of the general fund—state appropriation for fiscal year 2019 and \$300,000 of the general fund—local appropriation are provided solely for the department to contract with a consultant to study the current and ongoing impacts of the SeaTac international airport. The general fund—state funding provided in this subsection serves as a state match and may not be spent unless \$300,000 of local matching funds is transferred to the department. The department must seek feedback on project scoping and consultant selection from the cities listed in (b) of this subsection.

(b) The study must include, but not be limited to:

(i) The impacts that the current and ongoing airport operations have on quality of life associated with air traffic noise, public health, traffic, congestion, and parking in residential areas, pedestrian access to and around the airport, public safety and crime within the cities, effects on residential and nonresidential property values, and economic development opportunities, in the cities of SeaTac, Burien, Des Moines, Tukwila, Federal Way, Normandy Park, and other impacted neighborhoods; and

(ii) Options and recommendations for mitigating any negative impacts identified through the analysis.

(c) The department must collect data and relevant information from various sources including the port of Seattle, listed cities and communities, and other studies.

(d) The study must be delivered to the legislature by December 1, 2019.

(64)(a) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department of commerce to provide a grant to a nonprofit organization to assist fathers transitioning from incarceration to family reunification. The grant recipient must have experience contracting with:

(i) The department of corrections to support offender betterment projects; and

(ii) The department of social and health services to provide access and visitation services.

(b) The grant recipient must provide data on program outcomes to the Washington statewide reentry council. This data must be included in the Washington statewide reentry council's report of activities and recommendations to the governor and appropriate committees of the legislature as required by RCW 43.380.050.

(65) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department of contract with organizations and attorneys to provide legal representation and/or referral services for legal representation to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under this contract must be determined to be indigent under standards developed under chapter 10.101 RCW.

(66) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a small business innovation exchange project to increase economic development opportunities for women, minority, and veteran owned small businesses in the south King county region.

(67) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the city of Federal Way for an emergency shelter to serve homeless families with children.

(68) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for capacity-building grants through the united Indians of all tribes foundation to promote and improve educational, cultural, and social services for Native American communities in Washington state.

(69) \$41,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2101 (sexual assault nurse examiners). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(70) \$40,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant to the Douglas county associate development organization that serves on the core leadership team of the Wenatchee valley's our valley our future community and economic development program to support communities adversely impacted by wildfire damage and the reduction of aluminum smelter facilities.

(71) \$800,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for providing grants for a criminal justice diversion center pilot program in Snohomish county. Snohomish county must collect and report data from the pilot program to the department of commerce. The department must submit a report to the appropriate committees of the legislature by October 1, 2019. The report must contain, at a minimum:

(a) An analysis of arrests and bookings for individuals served in the pilot program;

(b) An analysis of connections to behavioral health services made for individuals who were served by the pilot program;

(c) An analysis of impacts on housing stability for individuals served by the pilot program; and

(d) The number of individuals served by the pilot program who were connected to a detoxification program, completed a detoxification program, completed a chemical dependency assessment, completed chemical dependency treatment, or were connected to housing.

(72) \$5,869,000 of the home security fund account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1570 (homeless housing and assistance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(73) \$250,000 of the general fund—state appropriation is provided solely for a grant to a museum to assist with armistice day activities in schools and other community settings to celebrate the 100th anniversary of World War I and armistice day. Funding must be used for a World War I America museum exhibit, new curriculum, teacher training, student and classroom visits, and visits from veterans and active duty military.

(74) \$226,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to expand the state's capacity to enforce the lead-based paint program.

(75) \$60,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(76) \$50,000 of the life sciences discovery fund—state appropriation is provided solely for grants as generally described in chapter 43.350 RCW.

(77) \$188,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1022 (crime victim participation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(78) \$62,000 of the general fund—state appropriation for fiscal year 2018 and \$116,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(79) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department of commerce to (a) develop a state economic growth strategy related to accelerating technology innovation; and (b) establish the feasibility and devise a plan for establishing a manufacturing innovation institute.

**Sec. 127 was partially vetoed. See message at end of chapter.*

Sec. 128. 2017 3rd sp.s. c 1 s 129 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2018)	(\$850,000)
	\$799,000
General Fund—State Appropriation (FY 2019)	(\$905,000)

	<u>\$853,000</u>
Lottery Administrative Account—State Appropriation	\$50,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$102,000</u>
TOTAL APPROPRIATION	(\$1,805,000)
	<u>\$1,804,000</u>

*Sec. 129. 2017 3rd sp.s. c 1 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2018)	(\$11,711,000)
	<u>\$11,775,000</u>
General Fund—State Appropriation (FY 2019)	(\$11,956,000)
	<u>\$12,440,000</u>
General Fund—Federal Appropriation	(\$39,716,000)
	<u>\$39,714,000</u>
General Fund—Private/Local Appropriation	(\$501,000)
	<u>\$843,000</u>
Economic Development Strategic Reserve Account—State	
Appropriation	\$314,000
<u>Recreation Access Pass Account—State Appropriation</u>	<u>\$75,000</u>
Personnel Service Fund—State Appropriation	(\$8,882,000)
	<u>\$8,891,000</u>
Higher Education Personnel Services Account—State	
Appropriation	\$1,497,000
Performance Audits of Government Account—State	
Appropriation	(\$621,000)
	<u>\$620,000</u>
Statewide Information Technology System Development	
Revolving Account—State Appropriation	(\$6,503,000)
	<u>\$10,022,000</u>
OFM Central Services—State Appropriation	(\$19,237,000)
	<u>\$19,280,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$2,448,000</u>
TOTAL APPROPRIATION	(\$100,938,000)
	<u>\$107,919,000</u>

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

(1) The appropriations in this section represent a transfer of expenditure authority of \$4,000,000 of the general fund—federal appropriation from the health care authority to the office of financial management to implement chapter 246, Laws of 2015 (all-payer health care claims database).

(2)(a) The student achievement council and all institutions of higher education eligible to participate in the state need grant shall ensure that data needed to analyze and evaluate the effectiveness of the state need grant program are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

- (i) The number of state need grant recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and students on the state need grant unserved waiting list, disaggregated by institutions of higher education;

(iv) State need grant recipients and students on state need grant unserved waiting list grade point averages; and

(v) State need grant program costs.

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

(3) \$149,000 of the general fund—state appropriation for fiscal year 2018 and \$144,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 172, Laws of 2017 (SHB 1741) (educator preparation data/PESB).

(4) \$84,000 of the general fund—state appropriation for fiscal year 2018 and \$75,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 53, Laws of 2017 (2SHB 1120) (regulatory fairness act).

(5) The office of financial management must perform a legal and policy review of whether the lead organization of the statewide health claims database established in chapter 43.371 RCW may collect certain data from drug manufacturers and use this data to bring greater public transparency to prescription drug prices. Specifically, the review must analyze whether the organization may collect and use manufacturer's pricing data on high-cost new and existing prescription drugs, including itemized production and sales data and Canadian pricing. The office of financial management must report by December 15, 2017, to the health care committees of the legislature the results of the study and any necessary legislation to authorize the collection of pricing data and to produce public analysis and reports that help promote prescription drug transparency.

(6) \$500,000 of the general fund—state appropriation for fiscal year 2018, \$131,000 of the general fund—state appropriation for fiscal year 2019, and \$139,000 of the personnel service account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (children, youth, families department). The cost allocation contract must include a determination of the amount of administrative funding to be transferred between appropriations in sections 223(1) and 223(2) of this act to section 222(3) of this act for the new department of children, youth, and families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(7) (~~(\$4,503,000)~~) \$8,022,000 of the statewide information technology system development revolving account—state appropriation is provided solely for readiness activities related to the One Washington replacement project to modernize and improve administrative systems and related business processes across state government over a multi-biennia time period and this project is subject to the conditions, limitations, and review provided in section 724 of this act. The funding provided in this subsection is for conducting business warehouse planning and system integrations and contracting with a strategic

partner for the design of the long-term program blueprint detailing the readiness, planning, and implementation activities related to this project. Legislative expectation is that the strategic partner selected for this design of this long-term blueprint will have proven experience in successfully managing similar efforts in other states or jurisdictions and that the ultimate project scope will integrate performance information and provide information on discrete units of costs for state governmental activities with the goal of improved management and efficiency. The office of financial management will provide the needed management support for this design effort and will ensure that state agencies fully participate in this initial design effort, including the office of chief information officer. The office of financial management will provide quarterly reports to the legislative fiscal committees and the legislative evaluation and accountability program committee. Before submitting additional funding requests for this project, the office of financial management will submit a comprehensive detailed feasibility study and financial plan for the project to the legislative evaluation and accountability program committee.

(8) \$4,000,000 of the general fund—federal appropriation is provided solely for the procurement and implementation of the Washington state all payer claims database project and this project is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$140,000 of the general fund—state appropriation for fiscal year 2018 and \$140,000 of the general fund—federal appropriation are provided solely for the authority to incorporate long-term inpatient care as defined in RCW 71.24.025 into the psychiatric managed care capitation risk model. The model shall be submitted to the governor and appropriate committees of the legislature by December 1, 2017. The model must integrate civil inpatient psychiatric hospital services including ninety and one hundred eighty day commitments provided in state hospitals or community settings into medicaid managed care capitation rates and nonmedicaid contracts. The model should phase-in the financial risk such that managed care organizations bear full financial risk for long-term civil inpatient psychiatric hospital commitments beginning January 2020. The model must address strategies to ensure that the state is able to maximize the state's allotment of federal disproportionate share funding.

(10) The office of financial management will convene a work group consisting of the department of social and health services and appropriate fiscal and policy staff from the house of representatives office of program research and senate committee services for the purpose of reviewing language traditionally added to section 201 in supplemental operating omnibus appropriations acts to allow the department to transfer moneys between sections of the act and to allow for moneys that are provided solely for a specified purpose to be used for other than that purpose. The work group will review the department's use of the language, develop options to reduce or eliminate the need for this language, and explore revisions to the language. The work group must also discuss alternatives to the language to achieve the shared goal of balancing expenditures to appropriation while preserving the legislature's ability to direct policy through appropriation. Alternatives should include increased use of supplemental budget decision packages, the creation of a reserve fund for unanticipated expenditures, and other measures the work group develops.

(11) 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.

(12) \$75,000 of the recreation access pass account—state appropriation is provided solely for the office of financial management, in consultation with the parks and recreation commission, department of natural resources, and department of fish and wildlife, to further analyze the cost and revenue potential of the options and recommendations in *Recreation Fees in Washington: Options and Recommendations* (The William D. Ruckelshaus Center, December 2017). The office must collaborate with other relevant agencies and appropriate stakeholders. The office must provide a report to the appropriate committees of the legislature by September 1, 2018. For each of the options, the report must:

(a) Identify the types of recreational access pass products, exemption and discount types, and levels;

(b) Specify price points and projected demand for each type of recreational access pass product that would result in revenue increases of five percent, ten percent, and fifteen percent;

(c) Describe implementation and logistical considerations of selling each of the options through a single place on the internet or through the department of fish and wildlife's licensing system;

(d) Identify fiscal impacts of changing the state access pass to each of the options identified including any combination state and federal recreational access pass options; and

(e) Provide any additional recommendations for implementation, transition, or changes in state law needed to implement each of the options.

(13) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to support the implementation of the department of children, youth, and families. The department must submit an expenditure plan to the office of financial management and may expend implementation funds after the approval of the director of the office of financial management.

(14) The office of financial management must purchase a workiva software product that will produce the comprehensive annual financial report and other fiscal reports within existing resources.

(15) The office of financial management must procure GovDelivery, a software as a service, that enables government organizations to connect with citizens within existing resources.

(16) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 192, Laws of 2017 (SB 5849).

(17) \$192,000 of the general fund—state appropriation for fiscal year 2018 and \$288,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of financial management to contract with an entity or entities with expertise in public finance, commercial, and public banking to:

(a) Evaluate the benefits and risks of establishing and operating a state-chartered, public cooperative bank in the state of Washington, specifically including the business and operational issues raised by the 2017 infrastructure and public depository task force; and

(b) Develop a business plan for a public cooperative bank based on the federal home loan bank model whose members may only be the state and/or political subdivisions. The purpose of this bank is to assist the potential members of the bank to manage cash and investments more efficiently to increase yield while maintaining liquidity, and to establish a sustainable funding source of ready capital for infrastructure and economic development in the state of Washington. The business plan shall include, but is not limited to:

- (i) Identification of potential members of the bank;
- (ii) The capital structure that would be necessary;
- (iii) Potential products the bank might offer;
- (iv) Projections of earnings;
- (v) Recommendations on corporate governance, accountability, and assurances;
- (vi) Legal, constitutional, and regulatory issues;
- (vii) If needed, how to obtain a federal master account and join the federal reserve;
- (viii) Information technology security and cybersecurity;
- (ix) Opportunities for collaborating with other financial institutions;
- (x) Impacts on the state's debt limit;
- (xi) In the event of failure, the risk to taxpayers, including any impact on Washington's bond rating and reputation;
- (xii) Potential effects on the budgets and existing state agencies programs; and
- (xiii) Other items necessary to establish a state-chartered, public cooperative bank modeled after the federal home loan bank or other similar institution.

The office of financial management shall facilitate the timely transmission of information and documents from all appropriate state departments and state agencies to the entity hired to carry out its contract. A status report must be provided to the governor and appropriate committees of the legislature by December 1, 2018, and final report and business plan provided to the appropriate committees of the legislature by June 30, 2019. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(18) \$25,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided to the education research and data center within the office of financial management for the sole purpose of providing a report to the appropriate committees of the legislature by January 1, 2019, on postsecondary enrollment and completion of Washington students with demographic information included on race, ethnicity, gender, students with disabilities, English language proficiency, income level, region, and types of credentials, including but not limited to in- and out-of-state public and private traditional two- and four-year degree granting institutions, private vocational schools, state apprenticeship programs, and professional licenses. The appropriation must also be used to respond to data requests from researchers outside of state agencies and to develop a plan for improving data governance for more accurate and timely responses.

(19) \$52,000 of the general fund—state appropriation for fiscal year 2018 and \$412,000 of the general fund—state appropriation for fiscal year 2019 are

provided to the office of financial management for staffing and support to prepare for the 2020 census.

(20)(a) \$179,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the sentencing guidelines commission to conduct a comprehensive review of the sentencing reform act under chapter 9.94A RCW and make recommendations to accomplish the following goals:

(i) Assess the degree to which the sentencing reform act as applied has achieved each of its stated purposes;

(ii) Ensure Washington's sentencing policies and practices are evidence-based, aligned with best practices, and consistent with federal and state case law;

(iii) Ensure Washington's sentencing laws and practices promote public safety by holding offenders accountable for their actions while also facilitating their successful reintegration into the community;

(iv) Simplify Washington's sentencing laws to make them easier to understand and apply; and

(v) Eliminate inconsistencies, which may have developed through various amendatory changes.

(b) In conducting the review under (a) of this subsection, the sentencing guidelines commission shall:

(i) Review the current sentencing grid and recommend changes to simplify the grid and increase judicial discretion, including, but not limited to: Reviewing and simplifying RCW 9.94A.501, 9.94A.505, 9.94A.525, and 9.94A.533; reviewing and simplifying the sentencing grid under RCW 9.94A.510 by reducing the number of cells in the grid and creating broader sentencing ranges for lower level offenses; reviewing and revising seriousness levels under RCW 9.94A.515 to ensure offenses have appropriately designated seriousness levels; reviewing the drug sentencing grid under RCW 9.94A.517 and 9.94A.518 to determine if drug offenses can be incorporated into a new or revised sentencing grid; and reviewing minimum term requirements under RCW 9.94A.540 to avoid inconsistencies with proposed changes to the grid and other sentencing policies;

(ii) Review mitigating and aggravating factors under RCW 9.94A.535 and sentencing enhancements under RCW 9.94A.533, including mandatory consecutive requirements, and recommend changes to reflect current sentencing purposes and policies and case law;

(iii) Review fines, fees, and other legal financial obligations associated with criminal convictions, including, but not limited to, a review of: Fines under RCW 9.94A.550; restitution under RCW 9.94A.750; and legal financial obligations under RCW 9.94A.760;

(iv) Review community supervision and community custody programs under RCW 9.94A.701 through 9.94A.723 and other related provisions, including, but not limited to: Reviewing and revising eligibility criteria for community custody under RCW 9.94A.701 and 9.94A.702; reviewing the length and manner of supervision for various offenses; reviewing earned time toward termination of supervision; and reviewing the consequences for violations of conditions; and

(v) Review available alternatives to full confinement, including, but not limited to: Work crew under RCW 9.94A.725 and home detention and electronic home monitoring under RCW 9.94A.734 through 9.94A.736.

(c) The sentencing guidelines commission shall report its findings and recommendations based on the review under (a) of this subsection to the governor and appropriate committees of the legislature by May 1, 2019.

(21) \$52,000 of the general fund—state appropriation for fiscal year 2018 and \$412,000 of the general fund—state appropriation for fiscal year 2019 are provided to the office of financial management for staffing and support to prepare for the 2020 census.

**Sec. 129 was partially vetoed. See message at end of chapter.*

Sec. 130. 2017 3rd sp.s. c 1 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account—State

Appropriation ((~~\$38,898,000~~))
\$41,152,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the administrative hearings revolving account—state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a review of the agency's fee structure, billing methodology, and assumptions about employee productivity which impact the fee structure and billing methodology.

Sec. 131. 2017 3rd sp.s. c 1 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State

Appropriation ((~~\$28,028,000~~))
\$28,031,000

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 by \$6,000,000 each fiscal year the total amount of compensation paid to licensed lottery sales agents. It is anticipated that the result of this action will reduce retail commissions to an average of 5.1 percent of sales.

Sec. 132. 2017 3rd sp.s. c 1 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2018) ((~~\$258,000~~))
\$255,000
General Fund—State Appropriation (FY 2019) ((~~\$268,000~~))
\$255,000

Pension Funding Stabilization Account—State

Appropriation \$26,000
TOTAL APPROPRIATION ((~~\$526,000~~))
\$536,000

Sec. 133. 2017 3rd sp.s. c 1 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2018)	(\$268,000)
	<u>\$269,000</u>
General Fund—State Appropriation (FY 2019)	(\$254,000)
	<u>\$241,000</u>
<u>Pension Funding Stabilization Account—State</u>	
Appropriation	\$26,000
TOTAL APPROPRIATION	(\$522,000)
	<u>\$536,000</u>

Sec. 134. 2017 3rd sp.s. c 1 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense	
Account—State Appropriation	(\$56,498,000)
	<u>\$57,902,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$110,000 of the appropriation in this section is provided solely for implementation of Substitute Senate Bill No. 6340 (plan 1 retirement benefit increases). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(2) \$124,000 of the department of retirement systems expense account—state appropriation is provided solely to implement Substitute House Bill No. 2786 (LEOFF/DOC, DSHS firefighters). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

(3) \$255,000 of the department of retirement systems expense account—state appropriation is provided solely to implement Substitute House Bill No. 1558 (PSERS/offender nursing care). If the bill is not enacted by July 1, 2018, the amount provided in this subsection shall lapse.

***Sec. 135.** 2017 3rd sp.s. c 1 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2018)	(\$140,954,000)
	<u>\$129,925,000</u>
General Fund—State Appropriation (FY 2019)	(\$138,496,000)
	<u>\$135,392,000</u>
<u>Timber Tax Distribution Account—State</u>	
Appropriation	(\$6,772,000)
	<u>\$6,765,000</u>
<u>Waste Reduction/Recycling/Litter Control—State</u>	
Appropriation	(\$157,000)
	<u>\$156,000</u>
State Toxics Control Account—State Appropriation	(\$112,000)
	<u>\$111,000</u>
Business License Account—State Appropriation	(\$28,211,000)

	<u>\$16,640,000</u>
Performance Audits of Government Account—State	
Appropriation	\$4,640,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$13,488,000</u>
Financial Services Regulation Account—State	
Appropriations	\$5,000,000
TOTAL APPROPRIATION	(((\$324,342,000))
	<u>\$312,117,000</u>

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

(1) \$5,628,000 of the general fund—state appropriation for fiscal year 2018, \$5,628,000 of the general fund—state appropriation for fiscal year 2019, and \$11,257,000 of the business license account—state appropriation are provided solely for the taxpayer legacy system replacement project.

~~((3))~~ (2) Prior to the suspension of the streamlined sales tax mitigation program established under chapter 82.14 RCW, the department must analyze if and when expected revenue gains from the provisions of sections 201 through 213 of House Bill No. 2163 will be equal to or exceed revenue losses to local taxing districts, as measured under the streamlined sales tax mitigation system from the switch to destination sourcing of sales tax. The analysis must include a comprehensive review of tax, wage, census, and economic data. The review must consider online sales tax and streamlined sales tax mitigation trends for areas with rich concentrations of warehousing distribution and manufacturing centers. The department must provide a report and recommendations to the governor and appropriate committees of the legislature by November 1, 2018. If House Bill No. 2163 (revenue) is not enacted by July 31, 2017, this subsection is void.

~~((4))~~ (3) \$8,028,000 of the general fund—state appropriation for fiscal year 2018 and \$6,304,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of House Bill No. 2163 (revenue). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(4) \$30,000 of the general fund—state appropriation for fiscal year 2018 and \$120,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to make publicly available an online searchable database of all taxes and tax rates in the state for each taxing district. The information must be aggregated by type of tax and accessible by entering a physical address for each residency or business. In addition to searching by physical address for each residence or business, searches must be accommodated by navigating through a map of the state as a whole and down to the level of each taxing district.

(a) The department must also provide tax rate calculators on the searchable database to allow taxpayers to calculate their potential taxes. Calculators must be provided at a minimum for property, sales and use, business and occupation, vehicle, and other business taxes and must be specific to the rate for the taxing district in which the taxpayer resides. The

calculator may only be used for educational purposes and does not have a legal effect on taxes due.

(b) To facilitate the department's efforts in creating and maintaining the searchable database of each tax rate for all taxing districts in the state, each taxing district must report its tax rates to the department by September 30, 2018. In addition, every taxing district must report any changes to its tax rates within thirty days of an enactment of a different rate.

(c) At a minimum the following taxes and rates must be included in the database and broken down to the taxing district or jurisdiction level:

(i) State and local sales and use taxes;

(ii) State and local regular and excess property taxes;

(iii) State and local business taxes including, but not limited to, business and occupation taxes, public utility taxes, unemployment compensation taxes, and industrial insurance premiums;

(iv) State and local real estate excise taxes; and

(v) State and local motor vehicle taxes and fees.

(d) The database must also contain information, or links to information, on additional selective sales taxes, selective business taxes, and in-lieu of property taxes.

(e) The database created under this section must be accessible by June 30, 2019, and able to be accessed by and accessed from the state expenditure information web site created under RCW 44.48.150.

(5) \$1,745,000 of the general fund—state appropriation for fiscal year 2018 and \$2,019,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 209, Laws of 2017 (EHB 2005).

(6) \$72,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2718 (civil forfeiture proceedings). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$96,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Fourth Substitute Senate Bill No. 5251 (tourism marketing). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

**Sec. 135 was partially vetoed. See message at end of chapter.*

Sec. 136. 2017 3rd sp.s. c 1 s 137 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2018)	(((\$1,409,000))
	<u>\$1,565,000</u>
General Fund—State Appropriation (FY 2019)	(((\$1,438,000))
	<u>\$2,254,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation.</u>	<u>\$162,000</u>
TOTAL APPROPRIATION	(((\$2,847,000))
	<u>\$3,981,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$789,000 of the general fund—state appropriation for fiscal year

2019 is provided solely for implementation of Engrossed House Bill No. 2777 (board of tax appeals admin.). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 137. 2017 3rd sp.s. c 1 s 138 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account—State Appropriation~~(\$4,887,000)~~
\$4,926,000

Sec. 138. 2017 3rd sp.s. c 1 s 139 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund—Federal Appropriation~~(\$4,615,000)~~
\$4,613,000

Insurance Commissioners Regulatory Account—State
Appropriation~~(\$59,548,000)~~
\$60,310,000

TOTAL APPROPRIATION~~(\$64,163,000)~~
\$64,923,000

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

(1) \$48,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 103, Laws of 2017 (EHB 1450) (title insurance rating orgs.).

(2) \$12,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of chapter 49, Laws of 2017 (SHB 1027) (surplus line broker licenses).

(3) \$29,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Senate Bill No. 6059 (insurer annual disclosures). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(4) \$40,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 6219 (reproductive health coverage). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$39,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Senate Bill No. 5912 (tomosynthesis/mammography). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$29,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6241 (school employees' benefits). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$212,000 of the insurance commissioners regulatory account—state appropriation is provided solely for implementation of Substitute House Bill No. 2322 (insurers/risk mitigation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 139. 2017 3rd sp.s. c 1 s 140 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account—State

Appropriation.	(\$48,916,000)
	<u>\$48,907,000</u>

*Sec. 140. 2017 3rd sp.s. c 1 s 141 (uncodified) is amended to read as follows:

FOR THE LIQUOR AND CANNABIS BOARD

Dedicated Marijuana Fund—State Appropriation

(FY 2018).	\$10,400,000
--------------------	--------------

Dedicated Marijuana Fund—State Appropriation

(FY 2019)	(\$9,596,000)
	<u>\$10,585,000</u>

Liquor Revolving Account—State Appropriation	(\$69,578,000)
	<u>\$69,756,000</u>

General Fund—Federal Appropriation	(\$2,912,000)
	<u>\$2,907,000</u>

General Fund—State Appropriation (FY 2018)	(\$372,000)
	<u>\$334,000</u>

General Fund—State Appropriation (FY 2019)	(\$393,000)
	<u>\$349,000</u>

General Fund—Private/Local Appropriation	\$50,000
--	----------

Pension Funding Stabilization Account—State

Appropriation.	\$78,000
------------------------	----------

TOTAL APPROPRIATION	(\$93,301,000)
	<u>\$94,459,000</u>

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

(1) \$11,000 of the liquor revolving account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2017 (E2SHB 1351) (sale of spirits, beer and wine).

(2) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(3) \$1,420,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 and \$885,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are provided solely for the marijuana traceability system used to track the production, processing, and retail sale of each marijuana product as it moves through the regulated recreational and medical marketplace. The board may accept a proposal for a traceability system that is less than the amounts appropriated within this section if the proposal meets the board's requirements. The traceability system is subject to the conditions, limitations, and review provided in section 724 of this act.

(4) \$93,000 of the general fund—state appropriation for fiscal year 2018 and \$70,000 of the general fund—state appropriation for fiscal year 2019 are

provided solely to implement and enforce vapor products licensing, packaging, and sales regulations pursuant to chapter 38, Laws of 2016 (ESSB 6328).

(5) Within existing resources, the state liquor and cannabis board shall establish a way by which any inspection or approval of a marijuana processor's professional closed loop systems, equipment, extraction operation, and facilities, may be performed by a qualified person or entity other than a local fire code official, in the event that a local fire code official does not perform such an inspection or approval as required by state liquor and cannabis board rule.

(6) \$175,000 of the dedicated marijuana fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 2334 (cannabinoid additives). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$20,000 of the liquor revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6346 (sale of wine/microbrewery). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8)(a) Within amounts appropriated in this section, the state liquor and cannabis board shall conduct a study regarding the development and implementation of a system for the home delivery of medical marijuana products to qualifying medical marijuana patients by licensed medical marijuana retailers. The board shall examine the legal and regulatory issues to be addressed in order to provide safe home delivery and to ensure effective monitoring of the delivery process to minimize the likelihood of illicit activity.

(b) The board shall consult with the department of health, industry representatives, local government officials, law enforcement officials, and any other person or entity deemed necessary to complete the study.

(c) In the course of the study, the board shall consider the following:

(i) Eligibility requirements for marijuana retailers applying for a medical marijuana delivery endorsement;

(ii) Verification procedures regarding age, identity, and registration in the medical marijuana authorization database with respect to the medical marijuana patient receiving delivery;

(iii) Qualifications for, and the training of, persons delivering medical marijuana products on behalf of the medical marijuana retailer;

(iv) Methods of ordering and payment;

(v) Maintaining the integrity of the marijuana traceability system during the course of the delivery process;

(vi) Safe and secure transportation of marijuana products from the retailer to the purchaser, including delivery vehicle requirements;

(vii) Methods of ensuring that a retailer's delivery employees and delivery system are in compliance with regulatory requirements;

(viii) Medical marijuana deliveries by retailers operating out of Indian country; and

(ix) Civil penalties and administrative actions for regulatory violations by a retailer holding a medical marijuana delivery endorsement.

(d) By December 1, 2018, the board must report to the legislature and the appropriate committees its findings and recommendations regarding the implementation of a medical marijuana home delivery system.

**Sec. 140 was partially vetoed. See message at end of chapter.*

*Sec. 141. 2017 3rd sp.s. c 1 s 142 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund—Private/Local Appropriation	(\$16,464,000)
	<u>\$16,463,000</u>
Public Service Revolving Account—State Appropriation.	(\$40,248,000)
	<u>\$40,252,000</u>
Pipeline Safety Account—State Appropriation	\$3,412,000
Pipeline Safety Account—Federal Appropriation	(\$3,072,000)
	<u>\$3,069,000</u>
TOTAL APPROPRIATION	\$63,196,000

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

(1) By December 31, 2017, the commission shall report findings and recommendations to the energy committees of the legislature on best practices and policies for electric utilities to develop distributed energy resource plans, applying the traditional utility regulatory principles of fairness, efficiency, reliability, and revenue stability. The report must address: A review of policies and practices for distributed energy resource planning in other states, an inventory of current utility distribution planning practices and capabilities in Washington, and recommendations for using distributed energy resource planning to inform utility integrated resource plans.

(2) \$2,093,000 of the public service revolving account—state appropriation is provided solely for the commission to cover the costs of moving its offices to a new location, in cooperation with the department of enterprise services.

(3) 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.

(4) \$27,000 of the public service revolving account—state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6081 (distributed generation) or Substitute House Bill No. 2995 (energy). If neither bill is enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) The commission must begin a long-term study on the universal service program to the appropriate committees of the legislature on the need for future program funding and recommendations on potential funding mechanisms to improve availability of communications services, including broadband service, in unserved and underserved areas. A preliminary report providing a framework for the how the commission will approach the study is due January 1, 2019.

(6) Sufficient funding is provided in this section for the commission to convene a task force to make recommendations and report to the legislature regarding the most effective method of regulation of digital application-based micro-movers and the small goods movers that utilize their digital application. The report is due to the legislature by December 15, 2018.

*Sec. 141 was partially vetoed. See message at end of chapter.

Sec. 142. 2017 3rd sp.s. c 1 s 143 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2018)	(\$7,676,000)	
		<u>\$7,040,000</u>
General Fund—State Appropriation (FY 2019)	(\$7,910,000)	
		<u>\$8,992,000</u>
General Fund—Federal Appropriation	(\$118,521,000)	
		<u>\$117,160,000</u>
Enhanced 911 Account—State Appropriation	(\$51,857,000)	
		<u>\$53,466,000</u>
Disaster Response Account—State Appropriation	(\$29,433,000)	
		<u>\$42,007,000</u>
Disaster Response Account—Federal Appropriation	(\$81,560,000)	
		<u>\$118,587,000</u>
Military Department Rent and Lease Account—State Appropriation		\$615,000
Worker and Community Right-to-Know Account—State Appropriation	(\$2,339,000)	
		<u>\$2,337,000</u>
Oil Spill Prevention Account—State Appropriation	(\$1,028,000)	
		<u>\$1,027,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>		<u>\$1,243,000</u>
<u>Military Department Active State Service Account—State Appropriation</u>		<u>\$200,000</u>
TOTAL APPROPRIATION	(\$300,939,000)	<u>\$352,674,000</u>

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

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees on ~~((October 1st and))~~ February 1st, July 31st, 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 2017-2019 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) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(4) \$5,389,000 of the enhanced 911 account—state appropriation is provided solely for transitioning to an internet protocol based next generation

911 network and increased network costs during the transition and hardware required for the new system. The department's activities and procurement is a major information technology project subject to oversight and review by the office of the chief information officer.

(5) \$11,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties.

(6) \$2,000,000 of the enhanced 911 account—state appropriation is provided solely for one-time grants to ~~((small and medium-sized, rural counties for replacement of))~~ Skagit, Cowlitz, Island, and Whatcom counties for replacing and upgrading the equipment necessary to maintain 911 service after the state's transition to a next generation 911 system ~~((including reimbursement of replacement and upgrades that have already been made)).~~ Grants may also be used to reimburse costs incurred in prior biennia for replacing and upgrading equipment for 911 services.

(7) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training ~~((and)),~~ equipment, and supporting costs to national guard soldiers and airmen.

(8) \$38,000 of the enhanced 911 account—state appropriation is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(9) \$372,000 of the disaster response account—state appropriation is provided solely for implementation of chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(10) Appropriations provided to the department are sufficient to fund the administrative costs associated with implementation of chapter 173, Laws of 2017 (E2SHB 1802) (veterans/shared leave access).

(11) ~~((951,000))~~ \$190,000 of the disaster response account—state appropriation is provided solely to Okanogan and Ferry counties to continue to address deficiencies within their communications infrastructure for 911 dispatch. Funding will be used to replace failing radio dispatching hardware within 911 dispatch centers; build interoperable communications between each county's dispatch center such that each can serve as a back-up to the other; and build upon the existing wireless microwave network for 911 calls, dispatch centers, and first responder radio operations.

(12) \$1,582,000 of the general fund—state appropriation for fiscal year 2019 and \$2,618,000 of the enhanced 911 account—state appropriation are provided solely for the department to complete the internet protocol based next generation 911 network project while maintaining financial assistance to counties.

(13) \$200,000 of the military department active state service account—state appropriation is provided solely for emergency response training and planning of national guard members with funding provided from Engrossed Second Substitute Senate Bill No. 6269 (oil transportation safety). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the emergency management division of the military department to conduct an update to the October 2006 report to the state emergency response commission regarding statewide response to chemical, biological, radiological, nuclear, and explosive materials.

Sec. 143. 2017 3rd sp.s. c 1 s 144 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2018)	(\$2,076,000)	
		\$1,962,000
General Fund—State Appropriation (FY 2019)	(\$2,251,000)	
		\$2,139,000
Higher Education Personnel Services Account—State Appropriation	(\$1,327,000)	
		\$1,325,000
Personnel Service Account—State Appropriation	(\$4,032,000)	
		\$4,031,000
<u>Pension Funding Stabilization Account—State</u> <u>Appropriation</u>		\$228,000
TOTAL APPROPRIATION	(\$9,686,000)	\$9,685,000

The appropriation in this section is subject to the following conditions and limitations: \$5,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute Senate Bill No. 6245 (spoken language interpreters). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 144. 2017 3rd sp.s. c 1 s 148 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'

Administrative Account—State Appropriation	(\$1,216,000)	
		\$1,217,000

The appropriation in this section is subject to the following conditions and limitations: \$256,000 of the volunteer firefighters' and reserve officers' relief and pension administrative account—state appropriation is provided solely to the pension and benefit tracking system project and are subject to the conditions, limitations, and review provided in section 724 of this act.

Sec. 145. 2017 3rd sp.s. c 1 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State

Appropriation	(\$2,907,000)	
		\$3,244,000

*Sec. 146. 2017 3rd sp.s. c 1 s 147 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ENTERPRISE SERVICES

General Fund—State Appropriation (FY 2018)	(\$4,368,000)	
		\$4,365,000
General Fund—State Appropriation (FY 2019)	(\$4,405,000)	
		\$4,528,000
General Fund—Private/Local Appropriation		\$102,000
Building Code Council Account—State Appropriation	(\$1,056,000)	

	<u>\$1,479,000</u>
TOTAL APPROPRIATION	((<u>\$9,931,000</u>))
	<u>\$10,474,000</u>

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

(1) (~~(\$4,031,000)~~) \$4,028,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$4,082,000)~~) \$4,048,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, joint legislative systems committee, and office of support services. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2018 and 2019 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2018 and \$1,300,000 in fiscal year 2019.

(5) The risk management system project funded through the risk management administration account created in RCW 4.92.220 is subject to the conditions, limitations, and review provided in section 724 of this act.

(6)(a) During the 2017-2019 fiscal biennium, the department must revise its master contracts with vendors, including cooperative purchasing agreements under RCW 39.26.060, to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

- (i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;
- (ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the public entity using the contract or agreement of the department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(d) Any cost for the implementation of this section must be recouped from the fees charged to master contract vendors.

(7) \$14,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6081 (net metering) or Substitute House Bill No. 2995 (energy). If neither bill is enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$13,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Senate Bill No. 5450 (mass timber for building). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$130,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for activities to resolve issues related to the ferry county memorial public hospital district energy savings performance contract. The department of enterprise services must redouble its activities to enforce performance from the energy savings performance contractor, identify the work necessary to address the deficiencies of the heating, ventilation, and air conditioning system (HVAC), and any other actions to make the hospital district whole under the contract. The department must provide monthly status reports to the director of the office of financial management and the legislature on steps, timelines, and activities to repair the HVAC system and secure contractor performance. In the May 2018 report, the department must identify steps that may be taken to improve its master contract to remove contractors for performance failures from its master contract or to add other contract remedies to prevent similar events. No moneys may be expended from the appropriations in this section for department of enterprise services costs, except for costs related to actual litigation with the energy savings performance contractor or its insurer. Moneys may be used for litigation or actual repair and replacement costs incurred by the hospital associated with the fulfillment of the contract.

(10) During the 2017-2019 fiscal biennium, the department shall allow individuals to access the top of the capitol dome under approved supervision and guidelines developed by the department.

(11) \$349,000 of the building code council account—state appropriation is provided solely for the state building code council. If Engrossed Second Substitute House Bill No. 1622 (state building code council) is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

*Sec. 146 was partially vetoed. See message at end of chapter.

Sec. 147. 2017 3rd sp.s. c 1 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2018) . . . . .	..((\$1,607,000))	
		\$1,571,000
General Fund—State Appropriation (FY 2019) . . . . .	..((\$1,633,000))	
		\$1,646,000
General Fund—Federal Appropriation . . . . .	..((\$2,228,000))	
		\$2,226,000
General Fund—Private/Local Appropriation		\$264,000
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>		\$136,000
TOTAL APPROPRIATION . . . . .	..((\$5,732,000))	\$5,843,000

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 2018 and \$103,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.

(2) \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department of archaeology and historic preservation to collaborate with the department of commerce to facilitate a capital needs assessment study of public libraries in distressed counties as defined by RCW 43.168.020(3). The study must assess library facility backlogs and the local funding capacity for both nonhistoric libraries and libraries on local, state, or national historic registries.

*Sec. 148. 2017 3rd sp.s. c 1 s 150 (uncodified) is amended to read as follows:

FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY

General Fund—State Appropriation (FY 2018)	\$187,000
General Fund—State Appropriation (FY 2019)	\$188,000
Consolidated Technology Services Revolving	
Account—State Appropriation . . . . .	..((\$19,136,000))
	\$18,578,000
<u>Broadband Access Account—State Appropriation</u>	<u>\$500,000</u>
TOTAL APPROPRIATION . . . . .	..((\$19,511,000))
	\$19,453,000

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

(1) \$7,263,000 of the consolidated technology services revolving account—state appropriation is for the office of the chief information officer.

(2) ~~(\$9,443,000)~~ \$10,668,000 of the consolidated technology services revolving account—state appropriation is 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) The consolidated technology services agency shall provide desktop support services without charging a per device fee to the following agencies: The governor's office of Indian affairs, the commission on Asian Pacific American affairs, the citizen's commission on salaries for elected officials, the commission on Hispanic affairs, and the commission on African-American affairs. The consolidated technology services agency must not withhold or reduce desktop support services provided to small agencies that had been receiving desktop support services and had not previously received appropriations provided specifically for the purpose of reimbursing the consolidated technology services agency for those services.

(5) 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 shall include the following: The agency's priority ranking of each information technology request; the estimated cost for the current biennium; the estimated total cost of the request over all biennia; and the expected timeline to complete the request. 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.

(6) 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.

(7) \$500,000 of the consolidated technology services revolving account—state appropriation is provided solely for the agency, in collaboration with the office of financial management, to conduct a zero-based budget review of the agency's services. Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(a) A statement of the statutory basis or other basis for the creation of each program or service and the history of each program or service that is being reviewed;

(b) A description of how each program or service fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program or service within the agency;

(c) Any available performance measures indicating the effectiveness and efficiency of each program or service;

(d) A description with supporting cost and staffing data of each program or service and the populations served by each program or service, and the level of funding and staff required to accomplish the goals of the program or service if different than the actual maintenance level;

(e) An analysis of the major costs and benefits of operating each program or service and the rationale for specific expenditure and staffing levels;

(f) An analysis estimating each program's or service's administrative and other overhead costs;

(g) An analysis of the levels of services provided;

(h) An analysis estimating the amount of funds or benefits that actually reach the intended recipients; and

(i) An analysis and recommendations for alternative service delivery models that would save money or improve service quality.

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

(9) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

(10) \$500,000 of the broadband access account—state appropriation is provided solely for the department to create the governor's office on broadband access as provided in Engrossed Second Substitute Senate Bill No. 5935 (broadband and telecommunication service). Of the amount provided, the department must fund at least one staff person to focus on rural unserved and underserved communities, including tribes. If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

**Sec. 148 was partially vetoed. See message at end of chapter.*

PART II

HUMAN SERVICES

Sec. 201. 2017 3rd sp.s. c 1 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) In accordance with RCW 71.24.380, the health care authority and the department are authorized to purchase medical and behavioral health services through integrated contracts upon request of all of the county authorities in a regional service area to become an early adopter of fully integrated purchasing of medical and behavioral health services. The department may combine and transfer such amounts appropriated under sections 204, 208, and 213 of this act as may be necessary to fund early adopter contracts. The amount of medicaid funding transferred from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. The amount of non-medicaid funding transferred from sections 204

and 208 may not exceed the amount that would have been contracted with a behavioral health organization if the county authorities had not requested to become an early adopter of fully integrated purchasing. These limits do not apply to the amounts provided in section 204(1)(s) of this act. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(8) In accordance with RCW 71.24.380, the department is authorized to purchase mental health and substance use disorder services through integrated contracts with behavioral health organizations. The department may combine and transfer such amounts appropriated under sections 204 and 208 of this act as may be necessary to finance these behavioral health organization contracts. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(9)(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, 2018, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2018 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) through (d) 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 2018 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, foster care, adoption support, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose.

(c) Within the mental health program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(d) Within the developmental disabilities program, the department may transfer appropriations that are provided solely for a specified purpose within and between subprograms as needed to fund actual expenditures through the end of fiscal year 2018.

(e) The department may not transfer appropriations, 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 senate and house of representatives 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.

Sec. 202. 2017 3rd sp.s. c 1 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund—State Appropriation (FY 2018)	(\$348,992,000)
	<u>\$345,901,000</u>
General Fund—Federal Appropriation	(\$265,365,000)
	<u>\$279,131,000</u>
General Fund—Private/Local Appropriation	\$1,477,000
Domestic Violence Prevention Account—State Appropriation	\$1,002,000
<u>Pension Funding Stabilization Account—</u> <u>State Appropriation</u>	<u>\$9,132,000</u>
TOTAL APPROPRIATION	(\$616,836,000)
	<u>\$636,643,000</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 2018 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(2) \$253,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$990,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for services provided through children's advocacy centers.

(5) \$1,351,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(6) \$9,474,000 of the general fund—state appropriation for fiscal year 2018 and \$6,022,000 of the general fund—federal appropriation are provided solely for family assessment response.

(7) \$94,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(8) \$1,874,000 of the general fund—state appropriation for fiscal year 2018 and \$560,000 of the general fund—federal appropriation are provided solely for

the children's administration to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(9)(a) \$539,000 of the general fund—state appropriation for fiscal year 2018, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The children's administration is encouraged to use private matching funds to maintain educational advocacy services.

(b) The children's administration 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.

(10) The children's administration shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(11) \$111,000 of the general fund—state appropriation for fiscal year 2018 and \$26,000 of the general fund—federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this section are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(12) \$159,000 of the general fund—state appropriation for fiscal year 2018 and \$65,000 of the general fund—federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (extended foster care).

(13) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the children's administration to secure permanent adoptive homes for children.

(14) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$56,000 of the general fund—federal appropriation are provided solely for the children's administration 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 children's administration must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

(15) \$63,000 of the general fund—state appropriation for fiscal year 2018 and \$19,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families/department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(16) The children's administration is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(17) \$839,000 of the general fund—state appropriation for fiscal year 2018 and \$160,000 of the general fund—federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(18) \$1,230,000 of the general fund—state appropriation for fiscal year 2018 and \$78,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(19) \$160,000 of the general fund—state appropriation for fiscal year 2018 and \$3,000 of the general fund—federal appropriation are provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (paperwork requirements).

(20) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for an entity in Yakima county to provide advocacy and support services to children in foster care.

(21) \$203,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years of age and are homeless.

(22) \$863,000 of the general fund—state appropriation for fiscal year 2018 and \$573,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this subsection, \$366,000 of the general fund—state appropriation for fiscal year 2018 and \$174,000 of the general fund—federal appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(23) \$658,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to operate emergent placement contracts. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments.

(24) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 6453 (kinship caregiver legal support).

Sec. 203. 2017 3rd sp.s. c 1 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2018)	(\$95,885,000)
	<u>\$91,247,000</u>
General Fund—State Appropriation (FY 2019)	(\$97,123,000)
	<u>\$93,660,000</u>
General Fund—Federal Appropriation	\$3,464,000
General Fund—Private/Local Appropriation	\$1,985,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation	\$196,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$8,721,000</u>
TOTAL APPROPRIATION	(\$198,653,000)
	<u>\$199,273,000</u>

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

(1) \$331,000 of the general fund—state appropriation for fiscal year 2018 and \$331,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$2,841,000 of the general fund—state appropriation for fiscal year 2018 and \$2,841,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants to county juvenile courts for the following juvenile justice programs identified by the Washington state institute for public policy (institute) 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 juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(3) \$1,537,000 of the general fund—state appropriation for fiscal year 2018 and \$1,537,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expansion of the following juvenile justice treatments and therapies in juvenile rehabilitation administration 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 administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(4)(a) \$6,198,000 of the general fund—state appropriation for fiscal year 2018 and \$6,198,000 of the general fund—state appropriation for fiscal year

2019 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 juvenile rehabilitation administration 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 juvenile rehabilitation administration 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 juvenile rehabilitation administration 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) If Second Substitute House Bill No. 1280 (referred and diverted youth) is enacted, then the administration must implement a stop-loss policy when allocating funding under (b) of this subsection in the 2017-2019 fiscal biennium. Under the stop-loss policy, funding formula changes may not result in a funding loss for any juvenile court of more than two percent from one year to the next. The committee in (d) of this subsection must establish a minimum base level of funding for juvenile courts with lower numbers of at-risk youth age 10 - 17. The administration must report to the legislature by December 1, 2018, about how funding is used for referred youth and the impact of that use on overall use of funding. If the bill is not enacted by July 31, 2017, this subsection is null and void.

(d) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration 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 juvenile rehabilitation administration 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 (b) 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.

(e) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(5) \$98,000 of the general fund—state appropriation for fiscal year 2018 and \$98,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to the juvenile block grant funding formula oversight committee described in subsection (4)(d) of this section to contract with research entities to: (a) Assist juvenile justice programs identified as promising practices or research-based in undergoing the research necessary to demonstrate that the program is evidence-based; and (b) establish an annual, county-level evaluation of existing evidence-based juvenile justice programs.

(6) \$557,000 of the general fund—state appropriation for fiscal year 2018 and \$557,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for funding of the teamchild project.

(7) \$283,000 of the general fund—state appropriation for fiscal year 2018 and \$283,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the juvenile detention alternatives initiative.

(8) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a grant program focused on criminal street gang prevention and intervention. The juvenile rehabilitation administration may award grants under this subsection. The juvenile rehabilitation administration 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 juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(9) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(10) \$75,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to coordinate the examination of data associated with juvenile gang and firearm offenses. The review of data must include information from the administrative office of the courts, the office of the

superintendent of public instruction, the office of financial management— education research data center, the Washington association of sheriffs and police chiefs, the caseload forecast council, and the department of corrections. For the purpose of carrying out the data review, named organizations are authorized to share data to include details of criminal arrest and conviction data. The department shall report to the governor and the appropriate legislative committees by February 1, 2018, with any recommendations for public policy that increases public safety.

(11) \$107,000 of the general fund—state appropriation for fiscal year 2018 and \$432,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(12) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6160 (exclusive adult jurisdiction). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 204. 2017 3rd sp.s. c 1 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/BEHAVIORAL HEALTH ORGANIZATIONS

General Fund—State Appropriation (FY 2018)	(\$391,457,000)	
		<u>\$381,760,000</u>
((General Fund—State Appropriation (FY 2019)	\$409,108,000)	
General Fund—Federal Appropriation	(\$1,021,705,000)	
		<u>\$481,439,000</u>
General Fund—Private/Local Appropriation	(\$17,864,000)	
		<u>\$8,932,000</u>
Dedicated Marijuana Account—State Appropriation		
(FY 2018)		\$3,684,000
((Dedicated Marijuana Account—State Appropriation		
(FY 2019)		\$3,684,000)
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>		<u>\$39,000</u>
TOTAL APPROPRIATION	(\$1,847,502,000)	<u>\$875,854,000</u>

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

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) ~~\$6,590,000 of the general fund—state appropriation for fiscal year 2018~~(, ~~\$6,590,000 of the general fund—state appropriation for fiscal year 2019~~;) and ~~(\$7,620,000)~~ \$3,810,000 of the general fund—federal

appropriation are provided solely for the department and behavioral health organizations 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 organizations with PACT teams, the department shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow behavioral health organizations 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 ~~((g))~~ (f) of this subsection. The department and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund—state appropriations in this subsection, the department shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) ~~(\$3,520,000)~~ \$1,760,000 of the general fund—federal appropriation is provided solely for the department to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities. The department must collect data and submit a report to the office of financial management and the appropriate committees of the legislature on the impact of peer staff on state hospital discharges and community placements by December 1, 2017.

~~(e) (\$6,858,000 of the general fund—state appropriation for fiscal year 2019 and \$4,023,000 of the general fund—federal appropriation are provided solely for new crisis triage or stabilization centers. The department must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The department shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.~~

~~(f) \$15,862,000)~~ \$11,405,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee for service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection

than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and work to further expand the waiver to other populations in fiscal year 2020. The department must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2017.

~~((g))~~ (f) \$81,930,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$81,930,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization spending shall 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 organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The department must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

~~((h))~~ (g) The department is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

~~((i))~~ (h) \$1,125,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$1,125,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(A) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(B) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(C) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(D) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane county behavioral health organization 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.

~~((f))~~ (i) \$1,204,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$1,204,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

~~((k))~~ (j) Behavioral health organizations 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 organizations may use a portion of the state funds allocated in accordance with ~~((g))~~ (f) of this subsection 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.

~~((h))~~ (k) \$2,291,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$2,291,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is 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 department must collect information from the behavioral health organizations 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.

~~((m))~~ (l) Within the amounts appropriated in this section, funding is provided for the department 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*.

~~((n))~~ (m) The department must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The department must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The department must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health 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 department must review and approve such plans and monitor to ensure compliance. If the department determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the department must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the department determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

~~((o))~~ (n) \$2,309,000 of the general fund—state appropriation for fiscal year 2018 ~~((, \$3,079,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ~~(((\$5,061,000))~~ \$2,169,000 of the general fund—federal

appropriation are provided solely for the department to increase rates for community hospitals that provide a minimum of 200 medicaid psychiatric inpatient days. The department must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The department shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rate for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

~~((p)) (o)~~ \$100,000 of the general fund—state appropriation for fiscal year 2018 ~~(and \$100,000 of the general fund—state appropriation for fiscal year 2019 are)~~ is provided solely for the department to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ~~((ensuring))~~, ensure that utilization will be based on medical necessity, and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

~~((q)) (p)~~ \$1,466,000 of the general fund—state appropriation for fiscal year 2018 ~~(, \$7,103,000 of the general fund—state appropriation for fiscal year 2019,)~~ and ~~(((\$9,715,000))~~ \$1,663,000 of the general fund—federal appropriation are provided solely for the department to contract with community hospitals or freestanding evaluation and treatment centers to provide up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The department must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The department 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. The department must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

~~((r))~~ ~~\$1,133,000 of the general fund—state appropriation for fiscal year 2019 and \$1,297,000 of the general fund—federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The department must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The department must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.~~

~~((s)) (q)~~ \$4,983,000 of the general fund—state appropriation for fiscal year 2018 ~~(, \$6,744,000 of the general fund—state appropriation for fiscal year~~

2019,)) and (~~(\$25,365,000)~~) \$10,849,000 of the general fund—federal appropriation are provided solely for the department to increase medicaid capitation payments for behavioral health organizations. The department must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the department must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The department must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

~~((+))~~ (r) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be 557 per day. In fiscal year 2019, the department must reduce the number of beds allocated for use by behavioral health organizations at western state hospital by 30 beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under ~~((+))~~ (p) of this subsection shall be allocated to the behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

~~((+))~~ (s) ~~(\$11,405,000 of the general fund—state appropriation for fiscal year 2018,~~) and (~~(\$17,680,000)~~) \$8,840,000 of the general fund—federal appropriation are provided solely to maintain enhancements of community mental health services. The department must contract these funds for the operation of community programs in which the department determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the department may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the department is unable to come to a contract agreement with a designated behavioral health organization for any of

the services identified above, it may consider contracting for that service in another region that has the need for such service.

~~((+))~~ (t) \$200,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$1,296,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for clubhouse programs. ~~((Of this amount, \$400,000 must be used for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs.))~~ The department must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

~~((+))~~ (u) \$212,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$213,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The department shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The department, in collaboration with the health care authority, shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

~~((+))~~ (v) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(w) No more than \$6,464,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers 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 department shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2018)	(\$286,936,000)
	\$330,214,000
General Fund—State Appropriation (FY 2019)	(\$277,823,000)
	\$259,313,000
General Fund—Federal Appropriation	(\$148,093,000)
	\$181,793,000
General Fund—Private/Local Appropriation	(\$52,630,000)
	\$61,282,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$34,746,000
TOTAL APPROPRIATION	(\$765,482,000)
	\$867,348,000

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 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 2018 and \$310,000 of the general fund—state appropriation for fiscal year 2019 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 (2)(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 2018 and \$45,000 of the general fund—state appropriation for fiscal year 2019 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) \$44,000 of the general fund—state appropriation for fiscal year 2018 and \$19,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas. The city must develop a proposal and estimated costs for developing a community policing program in the area surrounding eastern state hospital and submit the proposal to the department by September 30, ~~(2017)~~ 2018. The city must provide current and historical data for police services to eastern state hospital and adjacent areas which justify funding for a community policing program and continued funding for base police services and a community policing program.

(e) ~~(\$25,053,000)~~ \$20,883,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$25,847,000)~~ \$33,558,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and

evaluation services). These amounts must be used to maintain and further increase the number of forensic beds at western state hospital and eastern state hospital. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(f) (~~(\$3,261,000)~~) \$3,928,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$3,261,000)~~) \$4,249,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to maintain and further increase implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of staff providing competency evaluation services.

(g) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(h) \$20,234,000 of the general fund—state appropriation for fiscal year 2018 and \$20,234,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to meet the requirements of the systems improvement agreement with the centers for medicare and medicaid services as outlined in seven conditions of participation and to maintain federal funding. The department shall specifically account for all spending related to the agreement and reconcile it back to the original funding plan. Changes of more than ten percent in any area of the spending plan must be submitted to the office of financial management for approval. The department must submit a financial analysis to the office of financial management and the appropriate committees of the legislature which compares current staffing levels at eastern and western state hospitals, at the ward level, with the specific staffing levels recommended in the state hospitals' clinical model analysis project report submitted by OTB Solutions in 2016. To the extent that the financial analysis includes any differential in staffing from what was recommended in the report, the department must clearly identify these differences and the associated costs. The department must submit the financial analysis by September 1, 2017.

(i) Within these amounts, the department must hire chemical dependency professionals to provide integrated substance use disorder and mental health treatment at the state psychiatric hospitals.

(j) \$1,000 of the general fund—state appropriation for fiscal year 2018 and \$2,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Senate Bill No. 5118 (personal needs allowance). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(k) \$34,584,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for increased staffing and other costs at the state hospitals that are required to maintain federal certification and compliance with federal agreements. Throughout the biennium, the department must track state

hospital staffing expenditures, including the use of overtime and contracted locums, to allotments and submit monthly reports to the office of financial management. The office of financial management must review these reports and make a determination as to whether the overspending in these areas is required to maintain federal certification and compliance with federal agreements. The office of financial management must notify the department each month whether and to what level the overspending on staffing is approved and may be maintained and whether and to what level the department must reduce such expenditures. By December 2, 2018, the office of financial management must provide a report to the appropriate committees of the legislature on spending beyond appropriations for staffing at the state hospitals and identify the level of overspending that has been approved and any direction provided by the office of financial management to reduce overspending on staffing that was not required to maintain federal certification and compliance with federal agreements.

(l) \$100,000 of the general fund—state appropriation for fiscal year 2019 is 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 organizations 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 organizations 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, 2018.

(m) \$140,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department and the University of Washington to begin implementation the first phase of a collaborative plan for a high-quality forensic teaching service. Indirect charges for amounts contracted to the University of Washington must not exceed ten percent. The department and the University of Washington must research and pursue behavioral health workforce education grants from federal or private foundations that could be used in support of this project. By November 1, 2018, the department, in collaboration with the University of Washington, must submit a report to the office of financial management and the appropriate committees of the legislature with a progress update, readiness to proceed to the second phase of the project, a detailed cost analysis of the second phase, and identification of any federal or private grants identified and the status of those applications.

(n) \$12,190,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to develop and 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

designed and implemented to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must also continue to develop, 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 which looks at all positions and functions of the facilities and is informed by a review of the Oregon state hospital staffing model. \$300,000 of the amounts in this subsection are provided solely for and must be used for staff costs required to 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 remainder of the funds must be used for direct care staffing needed in order to implement the acuity based staffing tool. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services. By September 1, 2018, the department and hospital staffing committees must submit a report to the office of financial management and the appropriate committees of the legislature that includes the following: (a) Progress in implementing the acuity based staffing tool; (b) a comparison of average daily staffing expenditures to budgeted staffing levels and the recommended state hospital staffing plan by function; and (c) metrics and facility performance for the use of overtime and extra duty pay, patient length of stay, discharge management, active treatment planning, medication administration, patient and staff aggression, and staff recruitment and retention. The department must use information gathered from implementation of the clinical staffing tool and the hospital-wide staffing model to inform and prioritize future budget requests for staffing at the state hospitals. Beginning on January 1, 2019, the department must submit calendar quarterly reports to the office of financial management and the appropriate committees of the legislature which includes monitoring of monthly spending and staffing levels compared to allotments and to the recommended state hospital staffing model. These reports must include an update from the hospital staffing committees.

(o) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(i) The predictive modeling tool must be developed to leverage data from a variety of sources and identify factors that are strongly associated with future criminal justice involvement. By December 1, 2018, the department must submit a report to the office of financial management and the appropriate committees of the legislature which describes the following: (A) The proposed data sources to be used in the predictive model and how privacy issues will be addressed; (B) modeling results including a description of measurable factors most strongly predictive of risk of future criminal justice involvement; (C) an assessment of the accuracy, timeliness, and potential effectiveness of the tool; (D) identification of interventions and strategies that can be effective in reducing

future criminal justice involvement of high risk patients; and (E) the timeline for implementing processes to provide monthly lists of high-risk client to contracted managed care organizations and behavioral health organizations.

(ii) The model for civil and forensic state hospital bed need must be developed in consultation with staff from the office of financial management and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for predicting the number of beds needed to meet the demand for civil and forensic state hospital services. The department must submit a report to the office of financial management and the appropriate committees of the legislature by October 1, 2018, with a description of the model and the estimated civil and forensic state hospital bed need through the end of fiscal year 2021. The department must continue to update the model on a calendar quarterly basis and provide updates to the office of financial management and the appropriate committees of the legislature accordingly.

(p) \$20,000 of the general fund—state appropriation for fiscal year 2019 and \$8,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 6237 (personal needs allowance) or Substitute House Bill No. 2651 (personal needs allowance). If neither bill is enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(q) \$46,601,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to pay fines, plaintiff's attorney fees, and increased court monitor costs for failing to meet court ordered timelines for competency restoration and evaluations under *Trueblood v. Department of Social and Health Services*.

(r) \$1,148,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for purposes of maintaining basic life-and-safety equipment and structures in a manner that supports a safe and compliant environment of care at the state hospitals. The department must develop a budget structure that allows for transparency in the management and monitoring of these expenditures as well as related performance and outcomes. The department must report to the office of financial management on expenditure levels and outcomes achieved at the close of each fiscal year.

(3) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2018)	(((\$514,000))
	\$486,000
((General Fund—State Appropriation (FY 2019).	(\$508,000))
General Fund—Federal Appropriation.	(((\$25,852,000))
	\$3,148,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation.</u>	<u>\$28,000</u>
TOTAL APPROPRIATION	(((\$26,874,000))
	\$3,662,000

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

~~((~~(+) \$446,000 of the general fund—state appropriation for fiscal year 2018~~))~~ ~~((, \$446,000 of the general fund—state appropriation for fiscal year 2019;))~~

and ~~(((\$178,000))~~ \$89,000 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 department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The department 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.

~~((b) No more than \$19,557,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers 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 department shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.))~~

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2018)	(((\$10,175,000))
	<u>\$9,265,000</u>
General Fund—State Appropriation (FY 2019)	(((\$9,543,000))
	<u>\$2,979,000</u>
General Fund—Federal Appropriation	(((\$12,046,000))
	<u>\$8,310,000</u>
General Fund—Private/Local Appropriation	(((\$502,000))
	<u>\$251,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$526,000</u>
TOTAL APPROPRIATION	(((\$32,266,000))
	<u>\$21,331,000</u>

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

(a) The department must complete an update of the state quality strategy required under federal managed care regulations and submit to the center for medicaid and medicare services by October 1, 2017. The department must provide a report to the office of financial management and the appropriate committees of the legislature by December 1, 2017, which includes the following: (i) A copy of the quality strategy submitted to the center for medicaid and medicare services; (ii) identification of all performance measures that are

currently being measured for behavioral health organizations, and managed care organizations and the variations in performance among these entities; (iii) identification of any performance measures that are included in behavioral health organization and managed care organization 2018 contracts and whether these measures are connected to payment; and (iv) identification of any performance measures planned for incorporation of behavioral health organization and managed care organization 2019 contracts and whether these measures will be connected to payment during that contract period.

(b) \$62,000 of the general fund—state appropriation for fiscal year 2018 and \$41,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(c) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal year((s)) 2018 ((and 2019)) 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.

*Sec. 205. 2017 3rd sp.s. c 1 s 205 (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 2018)	(\$612,748,000)
	<u>\$601,589,000</u>
General Fund—State Appropriation (FY 2019)	(\$662,252,000)
	<u>\$663,644,000</u>
General Fund—Federal Appropriation	(\$1,301,629,000)
	<u>\$1,302,369,000</u>
General Fund—Private/Local Appropriation	(\$534,000)
	<u>\$2,407,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$6,872,000</u>
TOTAL APPROPRIATION	(\$2,577,163,000)
	<u>\$2,576,881,000</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 shall 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 shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall 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.

(ii) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2018 and ~~(\$106)~~ \$116 per bed beginning in fiscal year 2019.

(iii) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(c) \$7,142,000 of the general fund—state appropriation for fiscal year 2018, \$18,249,000 of the general fund—state appropriation for fiscal year 2019, and \$27,336,000 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 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(d) \$787,000 of the general fund—state appropriation for fiscal year 2018, \$2,183,000 of the general fund—state appropriation for fiscal year 2019, and \$3,714,000 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. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(e) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(f) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(g) \$650,000 of the general fund—state appropriation for fiscal year 2018, \$650,000 of the general fund—state appropriation for fiscal year 2019, and \$800,000 of the general fund—federal appropriation are provided solely for the development and implementation of eight enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(h) \$900,000 of the general fund—state appropriation for fiscal year 2018 and \$900,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development and implementation of eight community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(i) \$100,000 of the general fund—state appropriation for fiscal year 2018, \$95,000 of the general fund—state appropriation for fiscal year 2019, and \$195,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(j) \$1,239,000 of the general fund—state appropriation for fiscal year 2018, \$2,055,000 of the general fund—state appropriation for fiscal year 2019, and \$3,218,000 of the general fund—federal appropriation are provided solely to create new 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 (j)(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 (j)(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) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (j)(i) of this subsection. At a minimum, the presentation must include data about the number of complaints, and the nature of complaints, over the preceding five fiscal years.

(v) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (j)(i) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (j)(iii) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(k) \$738,000 of the general fund—state appropriation for fiscal year 2018, \$1,963,000 of the general fund—state appropriation for fiscal year 2019, and \$2,701,000 of the general fund—federal appropriation are provided solely for expanding the number of clients receiving services under the basic plus medicaid waiver. Approximately six hundred additional clients are anticipated to graduate from high school during the 2017-2019 fiscal biennium and will receive employment services under this expansion.

(l) \$14,127,000 of the general fund—state appropriation for fiscal year 2018, \$25,428,000 of the general fund—state appropriation for fiscal year 2019, and \$39,554,000 of the general fund—federal appropriation are provided solely to increase the benchmark rate for community residential service providers offering supported living, group home, and licensed staff residential services to individuals with development disabilities. The amounts in this subsection (l)(l) include funding to increase the benchmark rate by the following amounts:

(i) \$1.25 per hour effective July 1, 2017, and;

(ii) An additional \$1.00 per hour effective July 1, 2018.

The amounts provided in this subsection must be used to improve the recruitment and retention of quality direct care staff to better protect the health and safety of clients with developmental disabilities.

(m) Respite personal care provided by individual providers to developmental disabilities administration clients, as authorized by the

department and accessed by clients through a medicaid waiver, must be funded in maintenance level of the operating budget on the basis of actual and forecasted client utilization.

(n) \$4,000 of the general fund—state appropriation for fiscal year 2018, \$11,000 of the general fund—state appropriation for fiscal year 2019, and \$13,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(o) \$1,716,000 of the general fund—state appropriation for fiscal year 2018, \$3,493,000 of the general fund—state appropriation for fiscal year 2019, and \$4,267,000 of the general fund—federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(i) Within the amounts provided in this subsection, \$1,674,000 of the general fund—state appropriation for fiscal year 2018, \$3,424,000 of the general fund—state appropriation for fiscal year 2019, and \$4,126,000 of the general fund—federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(ii) Within the amounts provided in this subsection, \$42,000 of the general fund—state appropriation for fiscal year 2018, \$69,000 of the general fund—state appropriation for fiscal year 2019, and \$141,000 of the general fund—federal appropriation are provided solely to increase vendor rates for adult residential care and enhanced adult residential care in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(p) \$51,000 of the general fund—state appropriation for fiscal year 2018, \$51,000 of the general fund—state appropriation for fiscal year 2019, and \$102,000 of the general fund—federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(q) \$371,000 of the general fund—state appropriation for fiscal year 2018, \$445,000 of the general fund—state appropriation for fiscal year 2019, and \$1,069,000 of the general fund—federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(r) \$212,000 of the general fund—state appropriation for fiscal year 2018 and \$269,000 of the general fund—federal appropriation are provided solely to implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(s) \$2,199,000 of the general fund—state appropriation for fiscal year 2018, \$2,878,000 of the general fund—state appropriation for fiscal year 2019, and \$6,388,000 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 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) \$83,000 of the general fund—state appropriation for fiscal year 2019 and \$751,000 of the general fund—federal appropriation are provided solely for the development of an information technology solution that is flexible enough to accommodate all service providers impacted by the requirements for electronic visit verification outlined in the 21st century cures act.

(u) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for job training at the support education empowerment disability solutions program.

(v) \$623,000 of the general fund—state appropriation for fiscal year 2019 and \$623,000 of the general fund—federal appropriation are provided solely to hold community residential service provider rates harmless for instruction and support services and administration, to the extent possible within amounts appropriated in this subsection, if the tiered rate methodology is implemented effective January 1, 2019.

(w) \$1,873,000 of the general fund—private/local appropriation and \$1,874,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(x) \$21,000 of the general fund—state appropriation for fiscal year 2019 and \$26,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(y) \$34,000 of the general fund—state appropriation for fiscal year 2018, \$293,000 of the general fund—state appropriation for fiscal year 2019, and \$480,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(z) The department of social and health services developmental disabilities administration shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(57) of this act.

(aa) \$290,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the enhancement of existing parent-to-parent programs that serve parents of children with a developmental disability and the establishment of new programs in Okanogan county and Whitman county.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2018) . . . . .	..((\$104,159,000))
	\$99,622,000
General Fund—State Appropriation (FY 2019) . . . . .	..((\$106,818,000))
	\$105,704,000
General Fund—Federal Appropriation . . . . .	..((\$195,757,000))

	<u>\$202,562,000</u>
General Fund—Private/Local Appropriation	(((\$25,041,000))
	<u>\$27,041,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$12,441,000</u>
TOTAL APPROPRIATION	(((\$431,775,000))
	<u>\$447,370,000</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 shall 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 2018 and \$495,000 of the general fund—state appropriation for fiscal year 2019 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) \$2,978,000 of the general fund—state appropriation for fiscal year 2018, \$2,978,000 of the general fund—state appropriation for fiscal year 2019, and \$5,956,000 of the general fund—federal appropriation are for additional staff to ensure compliance with centers for medicare and medicaid services requirements for habilitation, nursing care, staff safety, and client safety at the residential habilitation centers.

(d) The residential habilitation centers may use funds appropriated in this subsection to purchase goods (~~and~~), supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(e) \$2,000 of the general fund—state appropriation for fiscal year 2018, \$5,000 of the general fund—state appropriation for fiscal year 2019, and \$5,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(f) \$325,000 of the general fund—state appropriation for fiscal year 2019 and \$325,000 of the general fund—federal appropriation are provided solely for purposes of maintaining basic life-and-safety equipment and structures in a manner that supports a safe and compliant environment of care at the residential habilitation centers. The department is to develop a budget structure that allows for transparency in the management and monitoring of these expenditures as well as related performance and outcomes. The department is to report to the office of financial management on expenditure levels and outcomes achieved at the close of each fiscal year.

(g) \$2,288,000 of the general fund—state appropriation for fiscal year 2018, \$5,496,000 of the general fund—state appropriation for fiscal year 2019, and \$7,784,000 of the general fund—federal appropriation are provided solely for additional staffing resources to provide direct care to clients living in the intermediate care facilities at Rainier school, Fircrest school, and Lakeland village to address deficiencies identified by the centers for medicare and

medicaid services, and to gather information for the 2019 legislative session that will support appropriate levels of care for residential habilitation center clients.

(i) The department of social and health services must contract with the William D. Ruckelshaus center or other neutral party to facilitate meetings and discussions about how to support appropriate levels of care for residential habilitation clients based on the clients' needs and ages. The options explored in the meetings and discussions must include, but are not limited to, conversion of cottages from certification as an intermediate care facility to certification and licensure as a skilled nursing facility, developing a state operated nursing facility for eligible clients, and placement of additional clients from the residential habilitation centers into state operated living alternatives. An agreed-upon preferred vision must be included within a report to the office of financial management and appropriate fiscal and policy committees of the legislature before December 1, 2018. The report must describe the policy rationale, implementation plan, timeline, and recommended statutory changes for the preferred vision.

The parties invited to participate in the meetings and discussion must include:

(A) One member from each of the two largest caucuses in the senate, who shall be appointed by the majority leader and minority leader of the senate;

(B) One member from each of the two largest caucuses in the house of representatives, who shall be appointed by the speaker and minority leader of the house of representatives;

(C) One member from the office of the governor, appointed by the governor;

(D) One member from the developmental disabilities council;

(E) One member from the ARC of Washington;

(F) One member from the Washington federation of state employees;

(G) One member from the service employee international union 1199;

(H) One member from the developmental disabilities administration within the department of social and health services;

(I) One member from the aging and long term support administration within the department of social and health services; and

(J) Two members who are family members or guardians of current residential habilitation center residents.

(ii) Before November 1, 2018, the department of social and health services must submit a report to the office of financial management and the appropriate fiscal and policy committees of the legislature that includes the following information: All information provided for subsections A through D below must be provided so as to clearly identify data that represents the intermediate care facility versus the skilled nursing facility components of the residential habilitation centers.

(A) The current number of clients living in the residential habilitation centers from the most recent month of available data. The information must be provided by month for each cottage on each campus, and must distinguish between long-term and short-term admissions.

(B) The average age of clients living in the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus.

(C) The number of staff, segmented by the type of position, at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each cottage on each campus. Any staff that are not directly associated with a cottage must be provided separately for each campus.

(D) Ratios of staff to clients at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The ratios must include, but are not limited to, the number of direct care staff per client and the number of indirect care staff per client. The ratio of direct care staff per client must be provided by month for each cottage on each campus. The ratio of indirect care staff per client must be provided by month for each campus.

(E) The number of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(F) The average age of individuals with a developmental disability residing long term at the state psychiatric hospitals from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each of the state psychiatric hospitals.

(G) The following information pertinent to the goal of transitioning from the use of intermediate care facilities on residential habilitation center campuses to skilled nursing facilities, when appropriate to individual client needs and preferences, no later than January 1, 2021:

(I) An analysis of existing facilities that might serve as skilled nursing facilities, including options on residential habilitation center campuses and options off campus that might be purchased, rented, or leased by the state. The report must display location, closure date if applicable, and total bed capacity for each facility.

(II) The number of clients living in intermediate care facility cottages at the residential habilitation centers who meet the functional criteria for nursing facility level of care as determined by assessments conducted by the department.

(III) The number of clients living in intermediate care facility cottages at the residential habilitation centers whom, directly or through their legal guardian, express interest in or willingness to live in a skilled nursing facility in interviews and assessments conducted by the department.

(IV) A description of the process and a feasibility analysis for the transition of a cottage or multiple cottages at a residential habilitation center from certification as an intermediate care facility to certification and licensure as a skilled nursing facility no later than January 1, 2021. This section of the report must include, but is not limited to, a description of the role for the department of health, department of social and health services, and the centers for medicare and medicaid services.

(V) The estimated capital investment needed to transition a cottage, or multiple cottages, at a residential habilitation center from certification as an intermediate care facility to certification and licensure as a skilled nursing facility no later than January 1, 2021.

(H) Options for the alternate use of buildings, vacant or occupied, at Fircrest, Rainier, Yakima valley, or Lakeland village. The suggestions must include but are not limited to expanding capacity for nursing care, dental care,

and other specialty services for individuals with developmental or intellectual disabilities.

(I) Options for transferring the ownership of charitable, educational, penal, and reform institutions land on the Fircrest campus from the department of natural resources to the department of social and health services.

(I) Purchase of the charitable, educational, penal, and reform institutions land on the Fircrest campus by the department of social and health services. This option must include but is not limited to the most recent appraisal of the value of charitable, educational, penal, and reform institutions land on the Fircrest campus.

(II) A land swap of equal value between the charitable, educational, penal, and reform institutions land on the Fircrest campus and other state-owned property.

(III) A combination of the options outlined within (I) and (II) of this subsection (g)(ii)(I).

(J) Options for the additional use of state operated living alternative placements to assist clients with the transition from an institutional setting to a community setting. The report must identify the number of clients who could transition into state operated living alternative placements, and the length of time necessary to transition clients into the additional placements.

(K) Options for establishing additional crisis stabilization services at the residential habilitation centers. The report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(L) Options for transferring individuals who have been residing long term at the state psychiatric hospitals into an alternative location, or multiple locations. One of the options must explore the possibility of transferring these individuals to the residential habilitation centers. For any option that is explored, the report must identify the operating costs, capital costs, timeline, and desired location associated with the additional capacity.

(M) The expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers from fiscal year 2013 through fiscal year 2018. The information must be provided by month for each campus. The department must also provide the strategy, or strategies, that are being implemented to decrease expenditures for overtime, prescription drugs, controlled substances, medical supplies, janitorial supplies, household supplies, maintenance supplies, and office supplies at the residential habilitation centers.

(h) \$23,000 of the general fund—state appropriation for fiscal year 2019 and \$23,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(i) \$121,000 of the general fund—state appropriation for fiscal year 2018, \$41,000 of the general fund—state appropriation for fiscal year 2019, and \$161,000 of the general fund—federal appropriation are provided solely for the replacement of items destroyed by fire at the laundry facility at Fircrest, and for the transportation of laundry from Fircrest to Rainier.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2018)	((\$2,469,000))
	<u>\$2,351,000</u>
General Fund—State Appropriation (FY 2019)	((\$2,531,000))
	<u>\$2,400,000</u>
General Fund—Federal Appropriation	((\$2,946,000))
	<u>\$2,982,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$270,000
TOTAL APPROPRIATION	((\$7,946,000))
	<u>\$8,003,000</u>

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2018)	((\$64,000))
	<u>\$55,000</u>
General Fund—State Appropriation (FY 2019)	((\$64,000))
	<u>\$62,000</u>
General Fund—Federal Appropriation	\$1,092,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$11,000
TOTAL APPROPRIATION	\$1,220,000

*Sec. 205 was partially vetoed. See message at end of chapter.

*Sec. 206. 2017 3rd sp.s. c 1 s 206 (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 2018)	((\$1,099,017,000))
	<u>\$1,077,208,000</u>
General Fund—State Appropriation (FY 2019)	((\$1,196,263,000))
	<u>\$1,208,320,000</u>
General Fund—Federal Appropriation	((\$2,839,653,000))
	<u>\$2,844,955,000</u>
General Fund—Private/Local Appropriation	((\$33,572,000))
	<u>\$35,766,000</u>
Traumatic Brain Injury Account—State Appropriation	\$4,540,000
Skilled Nursing Facility Safety Net Trust Account—	
State Appropriation	\$133,360,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$13,165,000
TOTAL APPROPRIATION	((\$5,306,405,000))
	<u>\$5,317,314,000</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 shall not exceed ((~~\$201.39~~)) \$200.47 for fiscal year 2018 and shall not exceed ((~~\$209.35~~)) \$216.64 for fiscal year 2019.

(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 shall be \$225 per bed beginning in fiscal year 2018 and \$225 per bed beginning in fiscal year 2019. A processing fee of \$2,750 shall 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 shall be \$106 per bed beginning in fiscal year 2018 and (~~(\$106)~~) \$116 per bed beginning in fiscal year 2019.

(c) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2018 and \$359 per bed beginning in fiscal year 2019.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$1,858,000 of the general fund—state appropriation for fiscal year 2018 and \$1,857,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(5) \$14,674,000 of the general fund—state appropriation for fiscal year 2018, \$37,239,000 of the general fund—state appropriation for fiscal year 2019, and \$55,716,000 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 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(6) \$4,833,000 of the general fund—state appropriation for fiscal year 2018, \$13,413,000 of the general fund—state appropriation for fiscal year 2019, and \$22,812,000 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. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the appropriation in this subsection shall lapse.

(7) \$5,094,000 of the general fund—state appropriation for fiscal year 2018 and \$5,094,000 of the general fund—state appropriation for fiscal year 2019 are

provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(8) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(9) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$1,889 for each facility.

(10) \$234,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$234,000)~~) \$479,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(11) \$42,000 of the general fund—state appropriation for fiscal year 2018, \$127,000 of the general fund—state appropriation for fiscal year 2019, and \$169,000 of the general fund—federal appropriation are provided solely to implement chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

(12) 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.

(13) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but 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;

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation; and

(ix) Identify ways to support individuals with developmental disabilities with long-term care needs who are enrolled members of a federally recognized Indian tribe, or residing in the household of an enrolled members of a federally recognized Indian tribe, and are receiving care from a family member.

(c) At least one committee meeting must be devoted to the exploration of legislation that would allow family members to provide personal care services to persons with developmental disabilities or long-term care needs under a voluntary consumer-directed medicaid service program. During the meeting, the committee should hear testimony from as many impacted parties as possible, including clients, providers, advocacy groups, and staff from state agencies. Testimony should explore program design, program oversight, necessary statutory changes, barriers to implementation, fiscal estimates, and timeline for implementation.

(d) 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.

(e) 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 are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. 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.

(14)(a) The department of social and health services must facilitate a stakeholder work group consisting of assisted living provider associations and the state long-term care ombuds in a collaborative effort to redesign the medicaid payment methodology for contracted assisted living, adult residential

care, and enhanced adult residential care. The department must submit a report with the final work group recommendations to the appropriate legislative committees by November 30, 2017. A proposed timeline for implementation of the new methodology must be included in the report. The new methodology must:

(i) Adhere to the standards of an acuity-based payment system as originally intended by the legislature, and the department will rely on the time study conducted in 2003 in establishing the acuity scale;

(ii) Create a standardized methodology that supports a reasonable medicaid payment that promotes access, choice, and quality;

(iii) Incorporate metrics such as medians, lids, floors, and other options that provide flexibility to adjust to economic conditions while maintaining the integrity of the methodology;

(iv) Be supported by relevant, reliable, verifiable, and independent data to the extent possible; and

(v) To the extent possible, repurpose and streamline data sources and modeling that the aging and long-term support administration uses for other rate-setting processes.

(b) In developing payment metrics for medicaid-covered services, staff and service requirements must be reviewed for assisted living, adult residential care, and enhanced adult residential care as described in chapters 74.39A and 18.20 RCW. At a minimum, the proposed rate methodology must include a component that recognizes staffing for intermittent nursing and personal care services. Service area adjustments based on population density must be reviewed and compared with other options to recognize high-cost areas. The most recent and complete wage data available through the bureau of labor statistics must also be included for review and consideration. The methodology work group must consider operational requirements and indirect services in developing the model. The work group must include a rate component that recognizes statutory and regulatory physical plant requirements. The work group must review and consider physical plant requirements for assisted living as described in chapter 51.50 RCW. A fair rental valuation must be reviewed and considered as an option for the capital component. The recognition of food for medicaid residents must also be included in the work group considerations. The department's current methodology to address room and board requirements, and the appropriateness of the continued use of the 2003 time study and whether it can be reasonably adjusted or whether a new time study should be conducted, must be reviewed and considered by the work group.

(15) Within amounts appropriated in this section, the department must pay medicaid nursing facility payment rates for public hospital district providers in rural communities as defined under chapter 70.44 RCW that are no less than June 30, 2016, reimbursement levels. This action is intended to assure continued access to essential services in rural communities.

(16) \$5,370,000 of the general fund—state appropriation for fiscal year 2018, \$10,199,000 of the general fund—state appropriation for fiscal year 2019, and \$18,346,000 of the general fund—federal appropriation are provided solely for a targeted vendor rate increase to contracted client service providers.

(a) Within the amounts provided in this subsection, \$2,763,000 of the general fund—state appropriation for fiscal year 2018, \$5,741,000 of the general

fund—state appropriation for fiscal year 2019, and \$9,775,000 of the general fund—federal appropriation are provided solely for a vendor rate increase of two percent in fiscal year 2018 and an additional two percent in fiscal year 2019 for all contracted vendors with the exception of nursing home providers, the program of all-inclusive care for the elderly, nurse delegators, community residential service providers, individual providers, agency providers, and adult family homes.

(b) Within the amounts provided in this subsection, \$2,607,000 of the general fund—state appropriation for fiscal year 2018, \$4,458,000 of the general fund—state appropriation for fiscal year 2019, and \$8,571,000 of the general fund—federal appropriation are provided solely to increase vendor rates for nursing homes, assisted living facilities including adult residential care and enhanced adult residential care, adult day health and adult day care providers, and home care agency administration in the 2017-2019 fiscal biennium up to the statewide minimum wage established in Initiative Measure No. 1433.

(17) \$4,815,000 of the general fund—state appropriation for fiscal year 2018, \$8,527,000 of the general fund—state appropriation for fiscal year 2019, and \$12,277,000 of the general fund—federal appropriation are provided solely to create new 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, and assisted living facility 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) During fiscal year 2018, in a presentation to the select committee on quality improvement in state hospitals, the department must describe the process of fielding and subsequently investigating complaints of abuse, neglect, and exploitation within the community alternative placement options described in (a) of this subsection. At a minimum, the presentation must include data about the

number of complaints, and the nature of complaints, over the preceding five fiscal years.

(e) During fiscal year 2019, in a presentation to the select committee on quality improvement in state hospitals, the department must provide an update about clients placed out of the state psychiatric hospitals into the community alternative placement options described in (a) of this subsection. At a minimum, for each setting, the presentation must include data about the number of placements, average daily rate, complaints fielded, and complaints investigated. The presentation must also include information about modifications, including the placement of clients into alternate settings, that occurred due to the evaluations required under (c) of this subsection.

In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(18) \$315,000 of the general fund—state appropriation for fiscal year 2018, \$315,000 of the general fund—state appropriation for fiscal year 2019, and \$630,000 of the general fund—federal appropriation are provided solely for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(19) \$135,000 of the general fund—state appropriation for fiscal year 2018, \$135,000 of the general fund—state appropriation for fiscal year 2019, and \$270,000 of the general fund—federal appropriation are provided solely for financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(20) \$5,007,000 of the general fund—state appropriation for fiscal year 2018, \$5,143,000 of the general fund—state appropriation for fiscal year 2019, and \$10,154,000 of the general fund—federal appropriation are provided solely to implement chapter 286, Laws of 2017 (SB 5715) (nursing home payments).

(21) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 287, Laws of 2017 (SB 5736) (nutrition programs).

(22) \$183,000 of the general fund—state appropriation for fiscal year 2018, \$92,000 of the general fund—state appropriation for fiscal year 2019, and \$2,479,000 of the general fund—federal appropriation are provided solely to finish the programming necessary to give the department the ability to pay individual provider overtime when hours over 40 hours per week are authorized for payment and are subject to the conditions, limitations, and review provided in section 724 of this act.

(23) \$229,000 of the general fund—state appropriation for fiscal year 2018, \$229,000 of the general fund—state appropriation for fiscal year 2019, and \$458,000 of the general fund—federal appropriation are provided solely to increase the daily rate for private duty nursing in adult family homes by \$63.77.

(24) \$246,000 of the general fund—state appropriation for fiscal year 2018 and \$313,000 of the general fund—federal appropriation are provided solely to

implement Senate Bill No. . . . (S-2907.2). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(25)(a) No more than \$41,388,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in initiative 2 of the medicaid transformation demonstration waiver under healthier Washington. The department shall not increase general fund—state expenditures on this initiative. The secretary in collaboration with the director of the health care authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) No more than \$2,200,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers third party administrator. The department and the authority in consultation with the medicaid forecast work group shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The department shall not increase general fund—state expenditures under this initiative. The secretary in cooperation with the director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(26) \$351,000 of the general fund—state appropriation for fiscal year 2018, \$421,000 of the general fund—state appropriation for fiscal year 2019, and \$1,012,000 of the general fund—federal appropriation are provided solely for increasing the hourly rate for nurse delegators from \$32.96 to \$45.32 effective September 1, 2017.

(27) \$10,017,000 of the general fund—state appropriation for fiscal year 2018, \$13,111,000 of the general fund—state appropriation for fiscal year 2019, and \$29,104,000 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 2017-2019 fiscal biennium. Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(28) \$217,000 of the general fund—state appropriation for fiscal year 2019 and \$1,949,000 of the general fund—federal appropriation are provided solely for the development of an information technology solution that is flexible enough to accommodate all service providers impacted by the requirements for electronic visit verification outlined in the 21st century cures act.

(29) \$40,000 of the general fund—state appropriation for fiscal year 2019 and \$40,000 of the general fund—federal appropriation are provided solely for the department, in partnership with the department of health and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(30) \$1,813,000 of the general fund—private/local appropriation and \$674,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 1792 (residential services and supports). The annual certification renewal fee for community residential service businesses shall be \$908 per client. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs. If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(31) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 and \$1,200,000 of the general fund—federal appropriation are provided solely to maintain client access to medicaid contracted assisted living, enhanced adult residential care, and adult residential care services under chapter 74.39A RCW. Licensed assisted living facilities that contract with the department to serve medicaid clients under these specified contract types must have an average medicaid occupancy of at least sixty percent, determined using the medicaid days from the immediately preceding calendar year during the months of July 1st through December 31st to qualify for additional funding under this subsection.

(32) \$615,000 of the general fund—state appropriation for fiscal year 2019 and \$698,000 of the general fund—federal appropriation are provided solely to implement Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(33) \$166,000 of the general fund—state appropriation for fiscal year 2018, \$800,000 of the general fund—state appropriation for fiscal year 2019, and \$1,510,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6199 (consumer directed employer organizations). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(34) \$100,000 of the general fund—state appropriation for fiscal year 2019 and \$100,000 of the general fund—federal appropriation are provided solely for the department of social and health services aging and long-term support administration to contract for an updated actuarial model of the 2016 independent feasibility study and actuarial modeling of public and private options for leveraging private resources to help individuals prepare for long-term services and supports needs. The follow-up study must model alternative variations of the previously studied public long-term care benefit for workers, funded through a payroll deduction that would provide a time-limited long-term care insurance benefit, including but not limited to alternative minimum hours worked per year for vesting.

(b) The feasibility study and actuarial analysis must include input from the joint legislative executive committee on aging and disability and other interested stakeholders, and must include an analysis of each variation based on:

- (i) The expected costs and benefits for participants;
- (ii) The total anticipated number of participants;
- (iii) The projected savings to the state medicaid program, if any; and
- (iv) Legal and financial risks to the state.

(c) The department must provide status updates to the joint legislative executive committee on aging and disability. The feasibility study and actuarial analysis shall be completed and submitted to the department by September 1, 2018. The department shall submit a report, including the director's findings and recommendations based on the feasibility study and actuarial analysis, to the governor and the appropriate committees of the legislature by October 1, 2018.

(35) \$50,000 of the general fund—state appropriation for fiscal year 2019 and \$50,000 of the general fund—federal appropriation are provided solely for the department of social and health services aging and long-term support administration to contract with the area agencies on aging to convene a work group to include long-term care industry members, family members who provide long-term services and supports, and other groups with interest in long-term services and supports to develop a proposal on how family members could be included as providers of long-term services and supports under the previously studied public long-term care benefit. The work group shall review options and propose:

(a) Minimum qualifications that would allow a family caregiver to serve as a long-term services and supports provider, which may:

(i) Be distinct from the qualifications on the effective date of this act for individual providers;

(ii) Require training based primarily on the individual needs and preferences of the beneficiary;

(iii) Take into account the existing relationship between the family caregiver and the beneficiary, the duration of the caregiving experience, and the type of care being provided.

(b) Administrative program options for providing compensation, benefits, and protections for family caregivers, considering cost-effectiveness and administrative simplification. The program options shall consider how to preserve the quality of the long-term care workforce and must include worker protections and benefits.

(c) The work group shall develop recommendations and provide the recommendations to the joint legislative and executive committee on aging and disability by November 15, 2018.

**Sec. 206 was partially vetoed. See message at end of chapter.*

Sec. 207. 2017 3rd sp.s. c 1 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES— ECONOMIC SERVICES PROGRAM	
General Fund—State Appropriation (FY 2018)	(\$396,063,000)
	\$362,611,000
General Fund—State Appropriation (FY 2019)	(\$415,638,000)
	\$373,055,000
General Fund—Federal Appropriation	(\$1,421,095,000)
	\$1,443,711,000
General Fund—Private/Local Appropriation	\$5,144,000

Administrative Contingency Account—State Appropriation.....	\$5,400,000
<u>Pension Funding Stabilization Account—State Appropriation.....</u>	<u>\$29,264,000</u>
TOTAL APPROPRIATION	((\$2,243,340,000)) <u>\$2,219,185,000</u>

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

(1)(a) (~~(\$155,022,000)~~) \$125,399,000 of the general fund—state appropriation for fiscal year 2018, (~~(\$160,136,000)~~) \$124,458,000 of the general fund—state appropriation for fiscal year 2019, \$836,761,000 of the general fund—federal appropriation, (~~and~~) \$5,400,000 of the administrative contingency account—state appropriation, and \$8,155,000 of the pension funding stabilization account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) (~~(\$267,057,000)~~) \$260,135,000 of the amounts in (a) of this subsection are provided solely 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. Within amounts provided in (b) of this subsection, \$1,622,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection (1)(b), \$8,975,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to increase the grant standard.

(c) (~~(\$168,005,000)~~) \$158,444,000 of the amounts in (a) of this subsection are provided solely 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. Amounts provided in (c) of this subsection include funding for implementation of chapter 156, Laws of 2017 (2SSB 5347) (WorkFirst "work activity"). Within amounts provided in (c) of this subsection, the department shall implement the working family

support program. The department shall adopt rules to take effect July 31, 2017, to limit the working family support program at 10,000 households.

~~((#))~~ \$1,700,000 of the funds appropriated in (c) of this subsection are provided solely for enhanced transportation assistance provided that the department 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.

~~((ii) Prior to renewal of intergovernmental TANF agreements with a tribe, the department shall request information on the total expenditures and total number of clients served in the tribal TANF program. When the per-client costs in the tribal TANF program have increased since the initial agreement, the department may negotiate a lower state maintenance of effort level based on the increased resources provided by the tribe since the original agreement. The department shall report to the office of financial management and the fiscal committees of the legislature the revised amount of the state maintenance of effort level within two weeks of each newly signed intergovernmental TANF agreement.))~~

(d)(i) ~~(\$501,608,000)~~ \$477,054,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households and the department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management.

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, within existing appropriations, must ensure quality control measures for the working connections child care program by maximizing the use of information technology systems and the development or modification of the application and standard operating procedures to ensure that cases are:

(A) Appropriately and accurately processed; and

(B) Routinely monitored for eligibility in a manner that is similar to processes and systems currently in place for regular monitoring in other public

assistance programs. Eligibility criteria routinely monitored must include, at a minimum:

- (I) Participation in work or other approved activities;
- (II) Household composition; and
- (III) Maximum number of subsidized child care hours authorized.

The department must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature detailing the specific actions taken to implement this subsection.

(iii) Of the amounts provided in (d) of this subsection, \$4,620,000 of the appropriation for fiscal year 2018 and \$4,792,000 of the appropriation for fiscal year 2019 are provided for a base rate increase, a rate increase for Family Friend and Neighbor providers, covering an increase for health insurance premiums, and increasing paid professional development days from three days to five days. This funding is for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act.

(iv) Of the amounts provided in (d) of this subsection, \$8,547,000 of the general fund—state appropriation for fiscal year 2018 and \$10,438,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for subsidy base rate increases for child care center providers.

(e) \$34,248,000 of the general fund—federal appropriation is provided solely for child welfare services within the department of children, youth, and families.

(f) (~~(\$170,442,000)~~) \$170,292,000 of the amounts in (1)(a) of this section are provided solely for WorkFirst and working connections child care administration and overhead. \$127,000 of the funds appropriated in this subsection for fiscal year 2019 are provided solely for implementation of chapter 9, Laws of 2017 3rd sp. sess. (working connections child care).

(g) The amounts in subsections (1)(b) through (e) of this section shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between subsections (1)(b) through (f) of this section. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst 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 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; and

(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.

(i) In the 2017-2019 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (f) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(j) The department must submit a report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature that estimates the caseload and fiscal impact of returning to pre-2011 temporary assistance for needy families policies. At a minimum, the report must include an analysis of the caseload and fiscal impact of:

(i) Removing the sixty-month lifetime limit;

(ii) Lessening sanction policies; and

(iii) No longer requiring the WorkFirst orientation.

(2) \$1,657,000 of the general fund—state appropriation for fiscal year 2018 and \$1,657,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2018 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 2019 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 ~~((December))~~ January 1, 2017, and annually thereafter, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive

federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) ~~(\$433,000)~~ \$856,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$451,000)~~ \$1,848,000 of the general fund—state appropriation for fiscal year 2019, and ~~(\$6,451,000)~~ \$16,267,000 of the general fund—federal appropriation are provided solely for ESAR Architectural Development and are subject to the conditions, limitations, and review provided in section 724 of this act.

(8) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(9) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operational support of the Washington information network 211 organization.

(10) \$90,000 of the general fund—state appropriation for fiscal year 2018, \$8,000 of the general fund—state appropriation for fiscal year 2019, and \$36,000 of the general fund—federal appropriation are provided solely for implementation of chapter 270, Laws of 2017 (SB 5118) (personal needs allowance).

~~(11) (\$127,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1624 (working connections child care). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.)~~ \$438,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1831 (public assistance/resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$43,000 of the general fund—state appropriation for fiscal year 2018 and \$16,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed Second Substitute Bill No. 2667 (essential needs/ABD programs). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$58,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2651 (personal needs allowance). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$5,000,000 of the general fund—federal appropriation is provided solely for the resources to initiate successful employment program. The department shall submit a preliminary report of its findings of the impact of this program on increasing employment to the appropriate committees of the legislature no later than January 1, 2019, with a final report submitted no later than June 30, 2019.

(15) \$121,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific

Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(16) \$51,000 of the general fund—state appropriation for fiscal year 2019 and \$21,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1513 (youth voter registration information). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(17) \$22,000 of the general fund—state appropriation for fiscal year 2019 and \$43,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6037 (uniform parentage act). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 208. 2017 3rd sp.s. c 1 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund—State Appropriation (FY 2018)	(((\$78,842,000))
	<u>\$96,763,000</u>
((General Fund—State Appropriation (FY 2019)	\$71,308,000))
General Fund—Federal Appropriation	(((\$575,249,000))
	<u>\$301,240,000</u>
General Fund—Private/Local Appropriation	(((\$20,211,000))
	<u>\$10,101,000</u>
Criminal Justice Treatment Account—State Appropriation	(((\$12,978,000))
	<u>\$6,488,000</u>
Problem Gambling Account—State Appropriation	(((\$1,453,000))
	<u>\$725,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2018)	\$24,802,000
((Dedicated Marijuana Account—State Appropriation (FY 2019)	\$24,802,000))
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$264,000</u>
TOTAL APPROPRIATION	(((\$809,645,000))
	<u>\$440,383,000</u>

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

(1) \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2019~~) are provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection:

(a) \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 (~~and \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~) is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The

juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(b) \$282,000 of the dedicated marijuana account—state appropriation for fiscal year ~~((2017 and \$282,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are))~~ 2018 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(2) During the 2017-19 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 department and providers rather than through contracts with behavioral health organizations.

(3) Within the amounts appropriated in this section, the department 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: (i) Service and other outcome data must be provided to the department by request; and (ii) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

~~((4) \$3,500,000)~~ \$1,750,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(5) \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ~~((and \$200,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are))~~ is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(6) \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ~~((and \$500,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are))~~ is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(7) \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ~~((and \$396,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are))~~ is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(8) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ~~((and \$250,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are))~~ is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(9) \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ~~((and \$386,000 of the dedicated marijuana account state appropriation for fiscal year 2019 are))~~ is provided solely to maintain increased prevention and treatment services provided by tribes to children and youth.

(10) \$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ~~((, \$2,684,000 of the dedicated marijuana account state~~

~~appropriation for fiscal year 2019,)) and ((~~\$1,900,000~~)) \$950,000 of the general fund—federal appropriation are provided solely to maintain increased residential treatment services for children and youth.~~

(11) ~~\$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and ~~\$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~))~~ is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(12) ~~\$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and ~~\$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~))~~ is provided solely for expenditure into the home visiting services account.

(13) ~~\$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2018 ((and ~~\$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are~~))~~ is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(14) Within the amounts provided in this section, behavioral health organizations 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 organizations must require that behavioral health organizations 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 department 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 department must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(15) ~~((~~\$1,125,000~~))~~ \$563,000 of the general fund—federal appropriation is provided solely for the department to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The department must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(16) ~~\$891,000 of the general fund—state appropriation for fiscal year 2018((~~-, ~~\$2,580,000 of the general fund—state appropriation for fiscal year 2019,))~~ and ((~~\$2,755,000~~))~~ \$435,000 of the general fund—federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The department must 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.~~

(17) ~~(\$1,000,000)~~ \$500,000 of the criminal justice treatment account—state appropriation is provided solely to maintain increased funding for substance abuse treatment and support services for offenders and support of drug courts.

(18) The department must review the treatment services provided by the behavioral health organizations (BHO) to individuals supervised by the department of corrections in the community. In reviewing, the department shall compile data specific to BHOs and in the aggregate for access to services, timeliness, number of referrals from the department of corrections, and number of individuals served. The department will consult with the department of corrections and must report to the governor and the appropriate legislative committees no later than November 30, 2017, the transition of services from the department of corrections to the BHOs and identify barriers to access and services for community supervised individuals and provide recommendations for improved services to this population.

(19) \$100,000 of the general fund—state appropriation for fiscal year 2018 ~~((and \$100,000 of the general fund—state appropriation for fiscal year 2019 are))~~ is provided solely for parenting education services focused on pregnant and parenting women.

(20) Within existing appropriations, the department shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(21) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal ~~((years))~~ year 2018 ~~((and 2019))~~ as necessary 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 cost of licensing for these programs than for other organizations which are not accredited. To the extent that the fees charged in fiscal year 2018 are not expected to fully cover the cost of the program, the department must submit a report to the office of financial management and the appropriate fiscal committees of the legislature identifying what further increases would be required and the differential impact on providers. This report must be submitted by December 1, 2017.

(22) \$31,995,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The department must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2018 capitation rates because they exceeded the amounts allowed under federal regulations. The department must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in

institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The department must apply for a waiver from the center for medicaid and medicare services to allow for the full cost of stays in institutions of mental diseases to be included in fiscal year 2019 behavioral health organization capitation rates. The department may tailor the fiscal year 2019 waiver to specific populations for which the center for medicaid and medicare services has indicated they are likely to approve and work to further expand the waiver to other populations in fiscal year 2020.

Sec. 209. 2017 3rd sp.s. c 1 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2018)	(\$14,899,000)	
		\$13,890,000
General Fund—State Appropriation (FY 2019)	(\$15,603,000)	
		\$14,443,000
General Fund—Federal Appropriation	(\$97,328,000)	
		\$109,730,000
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>		\$2,024,000
TOTAL APPROPRIATION	(\$127,830,000)	
		\$140,087,000

The appropriations in this section are subject to the following conditions and limitations: The department of social and health services vocational rehabilitation program shall participate in the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, pursuant to section 501(57) of this act.

Sec. 210. 2017 3rd sp.s. c 1 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2018)	(\$45,488,000)	
		\$46,202,000
General Fund—State Appropriation (FY 2019)	(\$46,173,000)	
		\$47,157,000
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>		\$4,858,000
TOTAL APPROPRIATION	(\$91,661,000)	
		\$98,217,000

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

Sec. 211. 2017 3rd sp.s. c 1 s 211 (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 2018)	(\$36,681,000)
	<u>\$33,712,000</u>
General Fund—State Appropriation (FY 2019)	(\$30,791,000)
	<u>\$29,364,000</u>
General Fund—Federal Appropriation	(\$39,963,000)
	<u>\$43,831,000</u>
((General Fund—Private/Local Appropriation	\$654,000))
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$6,247,000</u>
TOTAL APPROPRIATION	(\$108,089,000)
	<u>\$113,154,000</u>

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

(1) \$300,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$300,000)~~ \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a Washington state mentoring organization to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) 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, 2018, and February 1, 2019. 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.

(3) \$1,216,000 of the general fund—state appropriation for fiscal year 2019 and \$515,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$81,000 of the general fund—state appropriation for fiscal year 2018, \$86,000 of the general fund—state appropriation for fiscal year 2019, and \$167,000 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 2017-2019 fiscal biennium.

Funding is contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

Sec. 212. 2017 3rd sp.s. c 1 s 212 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2018)	((\$81,319,000))
	<u>\$82,245,000</u>
General Fund—State Appropriation (FY 2019)	((\$43,380,000))
	<u>\$42,783,000</u>
General Fund—Federal Appropriation	((\$57,578,000))
	<u>\$57,081,000</u>
TOTAL APPROPRIATION	((\$182,277,000))
	<u>\$182,109,000</u>

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

(1) \$39,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(2) \$12,000 of the general fund—state appropriation for fiscal year 2018, \$12,000 of the general fund—state appropriation for fiscal year 2019, and \$24,000 of the general fund—federal appropriation are provided solely for the implementation of chapter 268, Laws of 2017 (2SHB 1402) (incapacitated persons/rights).

(3) 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.

(4) \$157,000 of the general fund—state appropriation for fiscal year 2018, \$159,000 of the general fund—state appropriation for fiscal year 2019, and \$134,000 of the general fund—federal appropriation are provided solely for legal support, including formal proceedings and informal client advice, associated with adult protective service investigations.

Sec. 213. 2017 3rd sp.s. c 1 s 213 (unmodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

During the 2017-2019 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care

authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2018, may transfer general fund—state appropriations for fiscal year 2018 that are provided solely for a specified purpose. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. 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.

(1) MEDICAL ASSISTANCE

General Fund—State Appropriation (FY 2018)	(\$2,065,747,000)
	\$2,024,969,000
General Fund—State Appropriation (FY 2019)	(\$2,114,943,000)
	\$2,084,494,000
General Fund—Federal Appropriation	(\$11,503,815,000)
	\$11,823,330,000
General Fund—Private/Local Appropriation	(\$232,300,000)
	\$204,427,000
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation	\$15,086,000
Hospital Safety Net Assessment Account—State	
Appropriation	(\$725,012,000)
	\$693,099,000
Medicaid Fraud Penalty Account—State Appropriation	(\$28,163,000)
	\$28,154,000
Medical Aid Account—State Appropriation	\$528,000
Dedicated Marijuana Account—State Appropriation	

(FY 2018).....	(\$16,205,000)
	<u>\$17,616,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2019).....	(\$17,039,000)
	<u>\$18,405,000</u>
((State Health Care Authority Administrative Account—	
State Appropriation.....	\$7,000)
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation.....</u>	<u>\$4,538,000</u>
TOTAL APPROPRIATION.....	(\$16,718,845,000)
	<u>\$16,914,646,000</u>

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

(a) ~~(\$256,645,000)~~ \$268,117,000 of the general fund—state appropriation for fiscal year 2018 and \$264,704,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the authority to implement a single, standard medicaid preferred drug list to be used by all contracted medicaid managed health care systems, on or before January 1, 2018. The preferred drug list shall be developed in consultation with all contracted managed health care systems and the state pharmacy and therapeutics committee or drug utilization review board and shall further the goals and objectives of the medicaid program. The list shall be designed to maximize federal rebates and supplemental rebates and ensure access to clinically effective and appropriate drug therapies under each class. Entities eligible for 340B drug pricing shall continue to operate under their current pricing agreement, unless otherwise required by federal laws or regulations. The authority may utilize external consultants with expertise in evidence-based drug class reviews, pharmacy benefit management, and purchasing to assist with the completion of this development and implementation. The authority shall require each managed care organization that has contracted with the authority to provide care to medicaid beneficiaries to use the established preferred drug list; and shall prohibit each managed care organization and any of its agents from negotiating or collecting rebates for any medications listed in the state's medicaid single preferred drug list whether preferred or nonpreferred. To assist in the implementation of the single preferred drug list, contracted medicaid managed health care systems shall provide the authority drug-specific financial information in a format and frequency determined by the authority to include the actual amounts paid to pharmacies for prescription drugs dispensed to covered individuals compared to the cost invoiced to the health plan and individual rebates collected for prescription drugs dispensed to medicaid members. Information disclosed to the authority by the manufacturer pursuant to this provision shall only be used for the purposes of developing and implementing a single, standard state preferred drug list in accordance with this provision. The authority, medicaid managed care organizations, and all other parties shall maintain the confidentiality of drug-specific financial and other proprietary information and such information shall not be subject to the Washington public records act. The authority shall provide a report to the governor and appropriate committees of the legislature by November 15, 2018, and by November 15, 2019, including a comparison of the

amount spent in the previous two fiscal years to expenditures under the new system by, at a minimum, fund source, total expenditure, drug class, and top twenty-five drugs. The data provided to the authority shall be aggregated in any report by the authority, the legislature, or the office of financial management so as not to disclose the proprietary or confidential drug-specific information, or the proprietary or confidential information that directly or indirectly identifies financial information linked to a single manufacturer. It is the intent of the legislature to revisit this policy in subsequent biennia to determine whether it is in the best interest of the state.

(b) (~~(\$118,813,000)~~) \$113,356,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$120,265,000)~~) \$140,578,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for (~~(holding)~~) managed care capitation (~~(rates flat at calendar year 2017 levels in state fiscal years and calendar years 2018 and 2019)~~) payments.

(c) \$122,244,000 of the general fund—state appropriation for fiscal year 2018 and \$116,038,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the authority through the competitive procurement process, to contract with licensed dental health plans or managed health care plans on a prepaid or fixed-sum risk basis to provide carved-out managed dental care services on a statewide basis that will result in greater efficiency and will facilitate better access and oral health outcomes for medicaid enrollees. Except in areas where only a single plan is available, the authority must contract with at least two plans. The authority shall include in the contracts: (i) Quarterly reporting requirements to include medicaid utilization and encounter data by current dental technology (CDT) code; (ii) a direction to increase the dental provider network; (iii) a commitment to retain innovative programs that improve access and care such as the access to baby and child dentistry program; (iv) a program to reduce emergency room use for dental purposes; (v) a requirement to ensure that dental care is being coordinated with the primary care provider of the patient to ensure integrated care; (vi) a provision that no less than eighty-five percent of the contracting fee be used to directly offset the cost of providing direct patient care as opposed to administrative costs; and (vii) a provision to ensure the contracting fee shall be sufficient to compensate county health departments and federally qualified health centers for dental patient care. The plan(s) awarded this contract must absorb all start-up costs associated with moving the program from fee-for-service to managed care and shall commit to achieving an overall savings to the program based on 2016 fee-for-service experience. In order to comply with state insurance underwriting standards, the authority shall ensure that savings offered by dental plans are actuarially sound. Starting January 31, 2019, and every year thereafter through December 2024, the authority shall submit an annual report to the governor and the appropriate committees of the legislature detailing how the contracted entities have met the requirements of the contract. The report shall include specific information to include utilization, how the contracted entities have increased their dental provider networks, how the emergency room use for dental purposes has been reduced, and how dental care has been integrated with patients' primary care providers. If after the end of five years the data reported does not demonstrate sufficient progress to address the stated contracted goals, the legislature will reevaluate whether carved-out dental managed care needs to be replaced with a

different delivery model. The authority is authorized to seek any necessary state plan amendments or federal waivers to implement this subsection. Additional dental program savings achieved by the plans beyond those assumed in the 2017-2019 omnibus appropriations act will be used to increase dental provider reimbursement rates. By October 30, 2018, the authority shall report to the governor and the appropriate committees of the legislature anticipated savings related to reduction in dental emergency department visits and utilization once managed care dental coverage begins.

(d) (~~(\$1,540,849,000)~~) \$1,505,087,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$1,585,513,000)~~) \$1,538,030,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for medicaid services and the medicaid program. However, the authority shall not accept or expend any federal funds received under a medicaid transformation waiver under healthier Washington except as described in (e) and (f) of this subsection 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: (i) 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; (ii) 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; (iii) 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 (iv) in cooperation with the department of social and health services, consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget, to the joint select committee on health care oversight prior to submitting waivers for federal approval. By federal standard, the medicaid transformation demonstration waiver shall not exceed the duration originally granted by the centers for medicare and medicaid services and any programs created or funded by this waiver do not create an entitlement.

(e) No more than (~~(\$479,600,000)~~) \$486,683,000 of the general fund—federal appropriation and no more than (~~(\$154,289,000)~~) \$129,103,000 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 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 report to the joint select committee on health care oversight no less than quarterly, and include details for each accountable community of health, on the financial status and measurable health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees. By December 15, 2019, the authority in collaboration with each accountable community of health shall demonstrate how it will be self-sustaining by the end of the demonstration waiver period, including sources of outside funding, and provide this reporting to the joint select committee on health care oversight. If by the third year of the demonstration waiver there are not measurable, improved patient outcomes and financial returns, the Washington state institute for public policy will conduct an audit of the accountable communities of health, in addition to the process set in place through the independent evaluation required by the agreement with centers for medicare and medicaid services. Prior to the 2018 legislative session, the human services, health care, and judiciary committees of the legislature will convene a joint work session to review models in the delivery system and the impacts on medical liability. The work sessions should include integrated delivery models with multiple health care providers and medical malpractice insurance carriers.

(f) No more than (~~(\$42,584,000)~~) \$38,425,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third party administrator. The authority and the department in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures under this initiative. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(g) No later than November 1, 2018, and each year thereafter, the authority shall report to the governor and appropriate committees of the legislature: (i) Savings attributed to behavioral and physical integration in areas that are scheduled to integrate in the following calendar year, and (ii) savings attributed to behavioral and physical health integration and the level of savings achieved in areas that have integrated behavioral and physical health.

~~((g))~~ (h) 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).

~~((H))~~ (i) 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.

~~((H))~~ (j) 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.

~~((H))~~ (k) 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.

~~((K))~~ (l) 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.

~~((H))~~ (m) 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.

~~((M))~~ (n) \$4,261,000 of the general fund—state appropriation for fiscal year 2018, \$4,261,000 of the general fund—state appropriation for fiscal year 2019, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((H))~~ (o) 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.

~~((H))~~ (p) \$6,000,000 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.

~~((p))~~ (q) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2017-2019 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, 2017, and by November 1, 2018, 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 2018 and fiscal year 2019, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (i) 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 2017-2019 biennial operating appropriations act and in effect on July 1, 2015, (ii) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (iii) 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 2017-2019 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. ~~(\$10,575,000)~~ \$359,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$13,185,000)~~ \$361,000 of the general

fund—state appropriation for fiscal year 2019 are provided solely for state grants for the participating hospitals.

((~~+~~)) (r) 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.

((~~+~~)) (s) 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.

((~~+~~)) (t) The authority shall submit reports to the governor and the legislature by September 15, 2018, and no later than September 15, 2019, 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.

((~~+~~)) (u) 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.

((~~+~~)) (v) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

((~~+~~)) (w) 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.

((~~+~~)) (x) 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.

((~~+~~)) (y) \$90,000 of the general fund—state appropriation for fiscal year 2018, \$90,000 of the general fund—state appropriation for fiscal year 2019, 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.

~~((z))~~ (z) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

~~((aa))~~ (aa) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((ab))~~ (bb) 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.

~~((bc))~~ (cc) 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.

~~((cd))~~ (dd) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

~~((de))~~ (ce) \$127,000 of the general fund—state appropriation for fiscal year 2018 and \$1,144,000 of the general fund—federal appropriation are provided solely to the ProviderOne provider overtime project and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((ef))~~ (ff) \$175,000 of the general fund—state appropriation for fiscal year 2018 and \$825,000 of the general fund—federal appropriation are provided solely to the ProviderOne CORE operating rules project and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((fg))~~ (gg) ~~\$2,200,000~~ \$1,483,000 of the general fund—state appropriation for fiscal year 2018 ~~(and \$2,701,000)~~, \$1,594,000 of the general fund—state appropriation for fiscal year 2019, and \$1,509,000 of the general fund—federal appropriation are provided ~~(solely)~~ for a rate increase effective July 1, 2018, and for performance payments to reward successful beneficiary engagement in the health homes program for (dual-eligible) fee-for-service enrollees and these are the maximum amounts in each fiscal year the authority may expend for this purpose.

~~((gh))~~ (hh) \$450,000 of the general fund—state appropriation for fiscal year 2018, \$450,000 of the general fund—state appropriation for fiscal year 2019, and \$1,058,000 of the general fund—federal appropriation are provided solely for the authority to hire ten nurse case managers to coordinate medically assisted treatment and movements to medical homes for those being treated for opioid use disorder. Nurses shall be located in areas and provider settings with the highest concentration of opioid use disorder patients.

~~((hi))~~ (ii) Sufficient amounts are appropriated in this section for the authority to provide a collaborative care benefit beginning July 1, 2017.

~~((ij))~~ (jj) The authority and the department of social and health services shall convene a work group consisting of representatives of skilled nursing facilities, adult family homes, assisted living facilities, managers of in-home long-term care, hospitals, and managed health care systems. The work group shall identify barriers that may prevent skilled nursing facilities from accepting

and admitting clients from acute care hospitals in a timely and appropriate manner. The work group shall consider what additional resources are needed to allow for faster transfers of enrollees, including those with complex needs. By December 1, 2017, the authority shall report the work group's findings to the governor and the appropriate committees of the legislature.

~~((jj))~~ (kk) Within the amounts appropriated within this section, the authority shall implement the plan to show how improved access to home health nursing reduces potentially preventable readmissions, increases access to care, reduces hospital length of stay, and prevents overall hospital admissions for clients receiving private duty nursing, medically intensive care, or home health benefits as described in their report to the legislature dated December 15, 2016, entitled home health nursing. The authority shall report to the governor and appropriate committees of the legislature by December 31, 2017, information regarding the effect of the ten dollar rate increases for skilled nursing care delivered via private duty nursing or home health nursing, and how the rate changes impacted the utilization and cost of emergency room visits, reduced the length of stay for initial hospital admissions, and reduced utilization and costs of preventable hospital readmissions. The report will quantify potential cost saving opportunities that may exist through improved access to private duty and home health nursing statewide.

~~((kk))~~ (ll) Within the amounts appropriated within this section, beginning July 1, 2017, the authority must increase facility fees to birth centers to the amount listed on page two of their report to the legislature dated October 15, 2016, entitled reimbursement for births performed at birth centers. This increased rate is applicable in both a fee for service setting and is the minimum allowable rate in a managed care setting. The authority shall report to the governor and appropriate committees of the legislature by October 15, 2018, updated information regarding access to care, improvements to the Cesarean section rate, and savings outcomes for utilizing birth centers as an alternative to hospitals.

~~((H))~~ (mm) 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. By September 31, 2017, the authority shall report to the legislature on its progress implementing this subsection.

~~((mm))~~ (nn) Within the amounts appropriated in this section, and in consultation with appropriate parties, including the rural health clinic association of Washington and the centers for medicare and medicaid services, by December 1, 2017, the authority shall submit a report to the governor and appropriate committees of the legislature evaluating legislative and administrative options to reduce or eliminate any amounts owed by rural health clinics under the payment reconciliation process established in the medicaid state plan.

~~((nn))~~ (oo) \$500,000 of the general fund—state appropriation for fiscal year 2019 and \$500,000 of the general fund—federal appropriation are provided solely for the authority to implement the oral health connections pilot project in

~~((Yakima, Adams,))~~ Spokane, Thurston, and Cowlitz counties. The authority shall work in collaboration with Washington dental service foundation to jointly develop and implement the program. The purpose of the three-year pilot is to test the effect that enhanced dental benefits for adult medicaid clients with diabetes and pregnant women have on access to dental care, health outcomes, and medical care costs. The authority must model the pilot on the access to baby and child dentistry program. The pilot program must 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. Diabetic or pregnant adult medicaid clients who are receiving dental care within the pilot region(s), regardless of location of the service within the pilot region(s), are eligible for the increased number of periodontal treatments. The Washington dental service foundation shall partner with the authority and provide wraparound services to link patients to care. The authority and Washington dental service foundation shall jointly develop the program. The authority and foundation shall provide a joint progress report to the appropriate committees of the legislature on December 1, 2017, and December 1, 2018.

~~((pp))~~ (pp) Sufficient amounts are appropriated in this section to increase the daily rate by \$155.20 for skilled nursing performed by licensed practical nurses and registered nurses who serve medically intensive children's program clients who reside in a group home setting.

~~((pp))~~ (qq) During the 2017-2019 fiscal biennium, the authority must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(iii) The provision must allow for the termination of the contract if the authority or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iv) The authority must implement this provision with any new contract and at the time of renewal of any existing contract.

~~((qq))~~ (rr) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year

2019 are provided solely for a pilot program for treatment of inmates at the Snohomish county jail who are undergoing detoxification from heroin and other opioids and for connecting those individuals with treatment providers in the community upon their release.

~~((#))~~ (ss) \$6,487,000 of the general fund—state appropriation for fiscal year 2018 and \$1,340,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the physical health care costs of medicaid clients receiving services in facilities classified as institutions for mental diseases for longer than 15 days in a calendar month. The authority must apply for a waiver from the center for medicare and medicaid services to allow for the full cost of stays in institutions for mental diseases to be included in managed care rates beginning on July 1, 2018. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2017.

~~((##))~~ (tt) The authority shall evaluate adding a tele-psychiatry consultation benefit for medicaid covered individuals. The authority shall submit a report with the cost associated with adding such a benefit to the governor and appropriate committees of the legislature by October 1, 2017.

~~((##))~~ (uu) \$33,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$7,000 of the state health care authority administrative account—state appropriation.)~~ and \$42,000 of the general fund—federal appropriation are provided solely for the bleeding disorder collaborative for care.

~~((##))~~ (vv) \$304,000 of the general fund—state appropriation for fiscal year 2018, \$304,000 of the general fund—state appropriation for fiscal year 2019, and \$608,000 of the general fund—federal appropriation are provided solely for the authority to contract with the University of Washington tele-pain pain management program and pain management call center to advance primary care provider knowledge of complex pain management issues, including opioid addiction.

~~((##))~~ (ww) \$165,000 of the general fund—state appropriation for fiscal year 2018, \$329,000 of the general fund—state appropriation for fiscal year 2019, and \$604,000 of the general fund—federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (Engrossed Second Substitute House Bill No. 1713) (children's mental health).

~~((##))~~ (xx) \$1,813,000 of the general fund—state appropriation for fiscal year 2018, \$3,764,000 of the general fund—state appropriation for fiscal year 2019, and \$12,930,000 of the general fund—federal appropriation are provided solely for implementation of chapter 110, Laws of 2017 (Second Substitute House Bill No. 1338) (state health insurance pool).

~~((##))~~ ~~\$347,000~~ (yy) \$68,000 of the general fund—state appropriation for fiscal year 2018, ~~(\$839,000)~~ \$1,118,000 of the general fund—state appropriation for fiscal year 2019, and \$943,000 of the general fund—federal appropriation are provided solely for implementation of chapter 198, Laws of 2017 (Substitute House Bill No. 1520) (hospital payment methodology).

~~((##))~~ (zz) Sufficient amounts are appropriated in this section for the implementation of chapter 273, Laws of 2017 (Engrossed Second Substitute House Bill No. 1358) (community asst. referral programs).

~~((##))~~ (aaa) \$69,000 of the general fund—state appropriation for fiscal year 2018, \$560,000 of the general fund—state appropriation for fiscal year

2019, and \$308,000 of the general fund—federal appropriation are provided solely for the authority to implement, operate, and maintain a provider credentialing system and are subject to the conditions, limitations, and review provided in section 724 of this act. The authority, in collaboration with the department of health, department of corrections, department of social and health services, the public employees' benefits board, and the department of labor and industries, shall work to ensure that a single platform provider credentialing system is implemented. The authority, departments, and board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The authority must enter into agreements with the department of labor and industries and the public employees' benefits board to pay their share of the costs of implementing and operating a new provider credentialing system. The authority shall submit a report to the office of financial management and appropriate committees of the legislature outlining projected cost savings and cost avoidance no later than December 1, 2018.

(bbb) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department and the health care authority to enter into an interagency agreement to contract with Washington autism alliance and advocacy (WAAA) to educate and assist persons seeking the authority's services to address a suspected or diagnosed autism spectrum disorder or developmental disability related to autism spectrum disorder. The department or the authority may refer such individuals to WAAA to support them in navigating the health care system. The authority, in collaboration with the department and the WAAA, shall submit a report to the governor and the appropriate committees of the legislature by December 15, 2018, and December 15, 2019, detailing how many persons were referred to, how many persons received services from, and what services were provided by the WAAA. The reports shall also include what health care services the WAAA was able to connect the referred persons to, the length of time these connections took, the type of health coverage the person referred had at the time of referral and whether alternate coverage was obtained.

(ccc) \$20,000 of the general fund—state appropriation for fiscal year 2019 and \$20,000 of the general fund—federal appropriation are provided solely for the authority, in partnership with the department of social and health services and the department of health, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(ddd) \$5,825,000 of the general fund—state appropriation for fiscal year 2019 and \$8,019,000 of the general fund—federal appropriation are provided solely for an increase in primary care provider rates for pediatric care services that are currently reimbursed solely at the existing medical assistance rates that are applicable for the child's medical assistance eligibility group. These amounts are the maximum that the authority may spend for this purpose. The authority must pursue a state plan amendment to increase pediatric primary care provider and pediatric vaccine rates through state directed payments through a permissible payment model. The codes considered for these increases should follow those that were used under the temporary increase provided in calendar

years 2013 and 2014 as outlined in section 1202 of the affordable care act. Both physician and nonphysician practitioners are eligible for these increases and are not required to attest. Increases are based upon eligible codes. The authority must provide a report to the governor and appropriate committees of the legislature by November 1, 2019, detailing how the amounts provided in this subsection were used, what percentage increase was provided for pediatric primary care provider evaluation and management rates, what percentage increase was provided for pediatric vaccine rates, how utilization has changed within each category, and how these rate increases have impacted access to care.

(eee) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the authority to conduct a study to identify strategies for enhancing access to primary care for medical assistance clients. The authority may collaborate with other stakeholders as appropriate. The authority shall provide a report with recommendations to the appropriate committees of the legislature by December 1, 2018. The study shall, to the extent possible:

(i) Review the effect of the temporary rate increase provided as part of the patient protection and affordable care act on:

(A) The number of providers serving medical assistance clients;

(B) The number of medical assistance clients receiving services; and

(C) Utilization of primary care services.

(ii) Identify client barriers to accessing primary care services;

(iii) Identify provider barriers to accepting medical assistance clients;

(iv) Identify strategies for incentivizing providers to accept more medical assistance clients;

(v) Prioritize areas for investment that are likely to have the most impact on increasing access to care; and

(vi) Strategically review the current medicaid rates and identify specific areas and amounts that may promote access to care.

(fff) \$1,400,000 of the general fund—state appropriation for fiscal year 2019 and \$3,900,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (hhh)(i) through (iv) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to one hundred fifty percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2019, 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:

(i) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2013;

(ii) Have had less than one hundred fifty acute care licensed beds in fiscal year 2011;

(iii) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(iv) Be owned and operated by the state or a political subdivision.

(ggg) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to create a work group at the Robert Bree collaborative to identify best practices for mental health services regarding patient mental health treatment and patient management. The work group shall identify best practices on patient confidentiality, discharging patients, treating patients with homicide ideation and suicide ideation, recordkeeping to decrease variation in practice patterns in these areas, and other areas as defined by the work group. The work group shall be composed of clinical and administrative experts including psychologists, psychiatrists, advanced practice psychiatric nurses, social workers, marriage and family therapists, certified counselors, and mental health counselors.

(hhh) \$1,006,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(iii) \$50,000 of the general fund—state appropriation for fiscal year 2019 and \$50,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2779 (children's mental health services). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(jii) \$31,000 of the general fund—state appropriation for fiscal year 2018 and \$44,000 of the general fund—federal appropriation are provided solely for implementation of chapter 303, Laws of 2017 (public records administration).

(kkk) \$358,000 of the general fund—state appropriation and \$1,123,000 of the general fund—federal appropriation for fiscal year 2019 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5179 (hearing instrument coverage). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(lll) \$335,000 of the general fund—state appropriation for fiscal year 2019 and \$50,000 general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6452 (child mental health consult). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(mmm)(i) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority to assist the governor by convening and providing administrative, analytical, and communication support to the governor's Indian health council, including procuring technical assistance from the American Indian health commission for Washington state, to:

(A) Address current or proposed policies or actions that have tribal implications and are not able to be resolved or addressed at the agency level;

(B) Facilitate training for state agency leadership, staff, and legislators on the Indian health system and tribal sovereignty; and

(C) Provide oversight of contracting and performance of service coordination organizations or service contracting entities as defined in RCW 70.320.010 in order to address their impacts on services to American Indians and Alaska Natives and relationships with Indian health care providers.

(ii) The council shall include:

(A) One tribal liaison from each of the authorities; the department of children, youth, and families; the department of commerce; the department of

corrections; the department of health; the department of social and health services; the office of the insurance commissioner; the office of the superintendent of public instruction; and the Washington health benefit exchange;

(B) One individual from each tribe in Washington state, designated by the tribal legislative body, who is either the tribe's American Indian health commission for Washington state delegate or an individual specifically designated for this role, or his or her designee;

(C) The chief executive officer of the Indian health service Portland area office and each service unit in Washington state or his or her designee;

(D) The chief executive officer of each urban Indian health program in Washington state or his or her designee who may be the urban Indian health program's American Indian health commission for Washington state delegate;

(E) The executive director of the American Indian health commission for Washington state or his or her designee;

(F) The executive director of the northwest Portland area Indian health board or his or her designee;

(G) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives, or his or her designee;

(H) One member from each of the two largest caucuses of the senate, appointed by the president of the senate, or his or her designee; and

(I) Two individuals representing the governor's office.

(iii) The council will meet at least three times per year when the legislature is not in session, with one meeting to be hosted by the authority and the other two meetings to be hosted by tribes or, if no tribe is able to host, then by a member state agency. The members representing the tribes, the Indian health service Portland area office and service units, the urban Indian health programs, the American Indian health commission for Washington state, and the northwest Portland area Indian health board shall be paid per diem and travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(iv) By December 1, 2018, the council, with assistance from the authority, will submit a report to the governor and the appropriate legislative committees with recommendations to raise the health status of American Indians and Alaska Natives throughout Washington state to at least the levels set forth in the goals contained within the federal health people 2020 initiative or successor objectives, including draft legislation and fiscal budgets for:

(A) Increasing savings to the state general fund resulting from the one hundred percent federal medical assistance percentage applicable to services received through an Indian health service facility, whether operated by the Indian health service or by an Indian tribe or tribal organization pursuant to 42 U.S.C. Sec. 1396d; realized by the state for services which are received through an Indian health service facility whether operated by the Indian health service or by an Indian tribe or tribal organization pursuant to 42 U.S.C. Sec. 1396(b);

(B) Appropriating such increased savings for an Indian health improvement reinvestment account to be expended solely for improving health outcomes and access to quality and culturally appropriate health care for American Indians and Alaska Natives;

(C) Developing model performance measures and risk adjustment methodologies for medicaid managed care value-based purchasing that account for the Indian health delivery system;

(D) Improving population health through tribally determined practices and resources such as the American Indian health commission for Washington state's "pulling together for wellness" framework;

(E) Developing written and technical assistance to support the incorporation of cultural awareness and of strategies to address historical trauma and intergenerational trauma in treatment planning for services covered by medicaid and other services provided by the state;

(F) Expanding tribal representation on state agency boards, committees (including the emergency management council), and nongovernmental entities to whom the state delegates activities or tasks that directly impact the Indian health delivery system; and

(G) Other strategies to improve population health and increase access to quality health care for American Indians and Alaska Natives.

(nnn) \$139,000 of the general fund—state appropriation and \$139,000 of the general fund—federal appropriation for fiscal year 2019 are provided solely for implementation of Substitute Senate Bill No. 6549 (ABCD dental). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(ooo) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a community hospital located in Toppenish to convert fifteen existing acute care beds to long-term psychiatric beds.

(2) PUBLIC EMPLOYEES' BENEFITS BOARD AND EMPLOYEE BENEFITS PROGRAMS

State Health Care Authority Administration Account—

State Appropriation	(((\$42,061,000))
	\$34,481,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) The authority and the public employees' benefits board shall consult with the Washington state institute for public policy on the cost-effectiveness of the wellness plan and any changes to the plan that can be made to increase the health care efficiency of the wellness plan. The authority shall report its findings to the governor and the appropriate committees of the legislature by October 15, 2018.

(b) The authority and the public employees' benefits board shall ensure that procurement for employee health benefits during the 2019-2021 fiscal biennium is consistent with the funding limitations provided in part 9 of this act.

(c) \$236,000 of the state health care authority administration account—state appropriation for fiscal year 2018 and \$236,000 of the state health care authority administration account—state appropriation for fiscal year 2019 are provided solely to the affordable care act employer shared responsibility project and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for funding employee health benefits in the 2019-2021 fiscal biennium. Any changes to benefits, including covered

prescription drugs, must be approved by the public employees' benefits board. Upon procuring benefits for calendar years 2018 and 2019, the public employees' benefits board shall: (1) Not consider any changes to benefits, including prescription drugs, without considering comprehensive analysis of the cost of those changes; and (2) not adopt a package of benefits and premiums that results in a projected unrestricted reserve funding level lower than was projected under the assumptions made prior to procurement. For this purpose, assumptions means projections about the levels of future claims, costs, enrollment and other factors, prior to any changes in benefits. The certificates of coverage agreed to by the health care authority for calendar years 2018 and 2019 must ensure that no increases in coverage of prescription drugs, services, or other benefits may occur prior to approval by the public employees' benefits board at the time of procurement of benefits for the ensuing calendar year. The public employees' benefits board may, within the funds provided, adopt a virtual diabetes prevention program and adjust the waiting period for dental crown replacement in the Uniform dental program to align with the dental managed care plans.

(e) Within the amounts appropriated within this section, the authority, in consultation with one Washington within the office of financial management, the office of the chief information officer, and other state agencies with statewide payroll or benefit systems, shall prepare a report describing options for the replacement of the Pay 1 information technology system. The report shall evaluate the potential costs, benefits, and feasibility of integrating the functions currently performed by Pay 1 into an existing or new statewide system, as well for a stand-alone system. The report shall also update the business and system requirements documents previously developed for a Pay 1 replacement system. This report shall be provided to the governor and appropriate committees of the legislature by September 30, 2018.

~~(f) ((\$8,000,000 of the health care authority administrative account—state appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits on January 1, 2020. This expenditure shall be reimbursed to the health care authority administrative account from the newly created school employees' insurance administrative account after January 1, 2020.~~

~~(g))~~ The public employees' benefits board, in collaboration with the authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and the board shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The board must enter into an agreement with the authority to pay its share of the costs of implementing and operating a new provider credentialing system.

(3) SCHOOL EMPLOYEES' BENEFITS BOARD

School Employees' Insurance Administrative

Account—State Appropriation \$28,730,000

The appropriation in this subsection is subject to the following conditions and limitations: \$28,730,000 of the school employees' insurance administrative account—state appropriation is provided solely for implementation of the school employees' benefits board until the new board commences provision of benefits

on January 1, 2020. It is the intent of the legislature that the state health care authority administration account be reimbursed for the appropriation to this account made in part VII of this act, with interest.

(4) HEALTH BENEFIT EXCHANGE

General Fund—State Appropriation (FY 2018)	\$5,184,000
General Fund—State Appropriation (FY 2019)	(\$5,184,000)
	<u>\$5,651,000</u>
General Fund—Federal Appropriation	(\$52,837,000)
	<u>\$53,892,000</u>
Health Benefit Exchange Account—State Appropriation	(\$56,736,000)
	<u>\$59,385,000</u>
TOTAL APPROPRIATION	(\$119,941,000)
	<u>\$124,112,000</u>

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

(a) 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.

(b)(i) By July 15th and January 15th of each year, the authority shall make a payment of one-half the general fund—state appropriation and one-half the health benefit exchange account—state appropriation to the exchange.

(ii) For the 2017-2019 biennium, for the purpose of annually calculating issuer assessments, exchange operational costs may include up to three months of additional operating costs.

(iii) 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.

(iv) 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.

(c) \$271,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2595 (automatic voter registration). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(d) \$196,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 5683 (Pacific Islander health care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) COMMUNITY BEHAVIORAL HEALTH PROGRAM

General Fund—State Appropriation (FY 2019)	\$542,049,000
--	---------------

<u>General Fund—Federal Appropriation</u>	<u>\$919,359,000</u>
<u>General Fund—Private/Local Appropriation</u>	<u>\$18,261,000</u>
<u>Criminal Justice Treatment Account—State Appropriation</u>	<u>\$6,490,000</u>
<u>Problem Gambling Account—State Appropriation</u>	<u>\$728,000</u>
<u>Dedicated Marijuana Account—State</u>	
<u>Appropriation (FY 2019)</u>	<u>\$28,486,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$857,000</u>
<u>TOTAL APPROPRIATION</u>	<u>\$1,516,230,000</u>

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

(a) For the purposes of this subsection, amounts provided for behavioral health organizations shall also be available for the health care authority to contract with entities that assume the responsibilities of behavioral health organizations in regions in which the health care authority is purchasing medical and behavioral health services through fully integrated contracts pursuant to RCW 71.24.380.

(b) \$6,590,000 of the general fund—state appropriation for fiscal year 2019 and \$3,810,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health organizations 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 organizations with PACT teams, the authority shall consider the differences between behavioral health organizations in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health organizations 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 (f) of this subsection. The authority and behavioral health organizations shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(c) From the general fund—state appropriations in this subsection, the authority shall assure that behavioral health organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of medicaid personal care services that enrolled behavioral health organization consumers use because of their psychiatric disability.

(d) \$1,760,000 of the general fund—federal appropriation is provided solely for the authority to maintain a pilot project to put peer bridging staff into each behavioral health organization as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities.

(e) \$6,858,000 of the general fund—state appropriation for fiscal year 2019 and \$4,023,000 of the general fund—federal appropriation are provided solely for new crisis triage or stabilization centers. The authority must seek proposals from behavioral health organizations for the use of these funds based on regional priorities. 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.

(f) \$81,930,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of behavioral health organization 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 organizations proportionate to the fiscal year 2017 allocation of flexible nonmedicaid funds. The authority must include the following language in medicaid contracts with behavioral health organizations unless they are provided formal notification from the center for medicaid and medicare services that the language will result in the loss of federal medicaid participation: "The contractor may voluntarily provide services that are in addition to those covered under the state plan, although the cost of these services cannot be included when determining payment rates unless including these costs are specifically allowed under federal law or an approved waiver."

(g) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health organizations for children's long-term inpatient facility services.

(h) \$1,125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Spokane county behavioral health organization to implement services to reduce utilization and the census at eastern state hospital. Such services shall 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.

At least annually, the Spokane county behavioral health organization 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.

(i) \$1,204,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to reimburse Pierce and Spokane counties for the cost of conducting one hundred eighty-day commitment hearings at the state psychiatric hospitals.

(j) Behavioral health organizations 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 organizations may use a portion of the state funds allocated in accordance with (f) of this subsection 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.

(k) \$2,291,000 of the general fund—state appropriation for fiscal year 2019 is 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 organizations 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.

(l) 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*.

(m) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and insert contract language that clearly states the requirements and limitations. The authority must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The authority must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health organization 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 behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

(n) \$3,079,000 of the general fund—state appropriation for fiscal year 2019 and \$2,892,000 of the general fund—federal appropriation are provided solely for the authority to increase rates for community hospitals that provide a minimum of two hundred medicaid psychiatric inpatient days. The authority must increase both medicaid and nonmedicaid psychiatric per-diem reimbursement rates for these providers within these amounts. The amounts in this subsection include funding for additional hold harmless payments resulting from the rate increase. The authority shall prioritize increases for hospitals not currently paid based on provider specific costs using a similar methodology used to set rates for existing inpatient facilities and the latest available cost report information. Rate increases for providers must be set so as not to exceed the amounts provided within this subsection. The rate increase related to nonmedicaid clients must be done to maintain the provider at the same percentage as currently required under WAC 182-550-4800.

(o) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority to collaborate with tribal governments and develop a plan for establishing an evaluation and treatment facility that will

specialize in providing care specifically to the American Indian and Alaska Native population. The plan must include options for maximizing federal participation and ensure that utilization will be based on medical necessity and identify a specific geographic location where a tribal evaluation and treatment facility will be built.

(p) \$7,103,000 of the general fund—state appropriation for fiscal year 2019 and \$8,052,000 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 up to forty-eight long-term inpatient care beds as defined in RCW 71.24.025. The authority must seek proposals and contract directly for these services rather than contracting through behavioral health organizations. The authority must not use any of the amounts provided under this subsection for contracts with facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(q) \$1,133,000 of the general fund—state appropriation for fiscal year 2019 and \$1,297,000 of the general fund—federal appropriation are provided solely to increase the number of psychiatric residential treatment beds for individuals transitioning from psychiatric inpatient settings. The authority must seek proposals from behavioral health organizations for the use of these amounts and coordinate with the department of social and health services in awarding these funds. The authority must not allow for any of the amounts provided under this subsection to be used for services in facilities that are subject to federal funding restrictions that apply to institutions of mental diseases, unless they have received a waiver that allows for full federal participation in these facilities.

(r) \$6,744,000 of the general fund—state appropriation for fiscal year 2019 and \$14,516,000 of the general fund—federal appropriation are provided solely for the authority to increase medicaid capitation payments for behavioral health organizations. The authority must work with the actuaries responsible for certifying behavioral health capitation rates to adjust average salary assumptions in order to implement this increase. In developing further updates for medicaid managed care rates for behavioral health services, the authority must require the contracted actuaries to: (i) Review and consider comparison of salaries paid by government agencies and hospitals that compete with community providers for behavioral health workers in developing salary assumptions; and (ii) review data to see whether a specific travel assumption for high congestion areas is warranted. The authority must include and make available all applicable documents and analysis to legislative staff from the fiscal committees throughout the process. The authority must require the actuaries to develop and submit rate ranges for each behavioral health organization prior to certification of specific rates.

(s) The number of beds allocated for use by behavioral health organizations at eastern state hospital shall be one hundred ninety two per day. The number of nonforensic beds allocated for use by behavioral health organizations at western state hospital shall be five hundred fifty-seven per day. In fiscal year 2019, the authority must reduce the number of beds allocated for use by behavioral health organizations at western state hospital by thirty beds to allow for the repurposing of a civil ward at western state hospital to provide forensic services. The contracted beds provided under (p) of this subsection shall be allocated to the

behavioral health organizations in lieu of beds at the state hospitals and be incorporated in their allocation of state hospital patient days of care for the purposes of calculating reimbursements pursuant to RCW 71.24.310. It is the intent of the legislature to continue the policy of expanding community based alternatives for long term civil commitment services that allow for state hospital beds to be prioritized for forensic patients.

(t) \$11,405,000 of the general fund—state appropriation for fiscal year 2019 and \$8,840,000 of the general fund—federal appropriation are provided solely to maintain enhancements of community mental health services. The authority must contract these funds for the operation of community programs in which the authority determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary treatment act to be located in the geographic areas of the King behavioral health organization, the Spokane behavioral health organization outside of Spokane county, and the Thurston Mason behavioral health organization; (ii) one new full program of an assertive community treatment team in the King behavioral health organization and two new half programs of assertive community treatment teams in the Spokane behavioral health organization and the Pierce behavioral health organization; and (iii) three new recovery support services programs in the Great Rivers behavioral health organization, the greater Columbia behavioral health organization, and the north sound behavioral health organization. In contracting for community evaluation and treatment services, the authority may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the authority is unable to come to a contract agreement with a designated behavioral health organization for any of the services identified above, it may consider contracting for that service in another region that has the need for such service.

(u) \$1,296,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for clubhouse programs. The authority shall ensure that \$400,000 is used for the biennium for support of the Spokane clubhouse program and the remaining funds must be used for support of new clubhouse programs. The authority must develop options and cost estimates for implementation of clubhouse programs statewide through a medicaid state plan amendment or a medicaid waiver and submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(v) \$213,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to fund one pilot project in Pierce county and one in Yakima county to promote increased utilization of assisted outpatient treatment programs. The authority shall require two behavioral health organizations to contract with local government to establish the necessary infrastructure for the programs. The authority shall provide a report by October 15, 2018, to the office of financial management and the appropriate fiscal and policy committees of the legislature to include the number of individuals served, outcomes to include reduced use of inpatient treatment and state hospital stays, and recommendations for further implementation based on lessons learned and best practices identified by the pilot projects.

(w) \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse treatment programs for juvenile offenders. Of the amounts provided in this subsection (5)(w):

(i) \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(4) of this act.

(ii) \$282,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(2) of this act.

(x) During fiscal year 2019, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and providers rather than through contracts with behavioral health organizations.

(y) 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: (i) Service and other outcome data must be provided to the authority by request; and (ii) indirect charges for administering the program must not exceed ten percent of the total contract amount.

(z) \$1,750,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(aa) \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(bb) \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(cc) \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for maintaining increased services to pregnant and parenting women provided through the parent child assistance program.

(dd) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(ee) \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely to maintain increased prevention and treatment services provided by tribes and federally recognized American Indian organizations to children and youth.

(ff) \$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 and \$950,000 of the general fund—federal appropriation are

provided solely to maintain increased residential treatment services for children and youth.

(gg) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(hh) \$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for expenditure into the home visiting services account.

(ii) \$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(jj) Within the amounts provided in this section, behavioral health organizations 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 organizations must require that behavioral health organizations 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.

(kk) \$562,000 of the general fund—federal appropriation is provided solely for the authority to develop a memorandum of understanding with the department of health for implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs). The authority must use these amounts to reimburse the department of health for costs incurred through the implementation of the bill.

(ll) \$2,580,000 of the general fund—state appropriation for fiscal year 2019 and \$2,320,000 of the general fund—federal appropriation are provided solely for the development and operation of two secure detoxification facilities. The authority must 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.

(mm) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for parenting education services focused on pregnant and parenting women.

(nn) Within existing appropriations, the authority shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(oo) 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 a behavioral health organization or administrative services organization to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). The authority must provide a report to the office of financial management and the appropriate committees of the legislature which identifies the distribution of criminal justice treatment account funds by September 30, 2018.

(pp) \$23,090,000 of the general fund—state appropriation for fiscal year 2019 and \$46,222,000 of the general fund—federal appropriation are provided solely for the enhancement of community-based behavioral health services. This funding must be allocated to behavioral health organizations proportionate to their regional population. In order to receive these funds, each region must submit a plan to address the following issues: (i) Reduction in their use of long-term commitment beds through community alternatives; (ii) 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; (iii) improvement of staff recruitment and retention in community behavioral health facilities; (iv) diversion of individuals with behavioral health issues from the criminal justice system; and (v) efforts to improve recovery oriented services, including, but not limited to, expansion of clubhouse models. The plans are not limited to the amounts in this subsection and may factor in all resources available for behavioral health. The authority must identify metrics for tracking progress in each of the areas identified. The authority must collect information on the metrics and outcomes and submit a report summarizing the findings to the office of financial management and the appropriate committees of the legislature by June 30, 2020. Twenty percent of the general fund—state appropriation amounts for each behavioral health organization must be used to increase their nonmedicaid funding and the remainder must be used to increase medicaid rates up to but not exceeding the top of each behavioral health organizations medicaid rate range.

(qq) \$11,023,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to assist behavioral health organizations with the costs of providing services to medicaid clients receiving services in psychiatric facilities classified as institutions of mental diseases. The authority must distribute these amounts proportionate to the number of bed days for medicaid clients in institutions for mental diseases that were excluded from behavioral health organization fiscal year 2019 capitation rates because they exceeded the amounts allowed under federal regulations. The authority must also use these amounts to directly pay for costs that are ineligible for medicaid reimbursement in institutions of mental disease facilities for American Indian and Alaska Natives who opt to receive behavioral health services on a fee-for-service basis. The amounts used for these individuals must be reduced from the allocation of the behavioral health organization where the individual resides. If a behavioral health organization receives more funding through this subsection than is needed

to pay for the cost of their medicaid clients in institutions for mental diseases, they must use the remainder of the amounts to provide other services not covered under the medicaid program. The authority must explore options for continuing to expand waivers which allow for federal matching funds to be used in these facilities. The authority must submit a report on the status of the waiver to the office of financial management and the appropriate committees of the legislature by December 1, 2018.

(rr) \$14,500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to ensure a smooth transition to integrated managed care for behavioral health regions and to maintain the existing level of regional behavioral health crisis and diversion programs, and other required behavioral health administrative service organization services. These amounts must be used to support the regions transitioning to become mid-adopters for full integration of physical and behavioral health care. These amounts must be distributed proportionate to the population of each regional area covered. The maximum amount allowed per region is \$3,175 per 1,000 residents. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system. The authority must require all behavioral health organizations transitioning to full integration to either spend down or return all reserves in accordance with contract requirements and federal and state law. Behavioral health organization reserves may not be used to pay for services to be provided beyond the end of a behavioral health organization's contract or for start-up costs in full integration regions. The authority must ensure that any increases in expenditures in behavioral health reserve spend-down plans are required for the operation of services during the contract period and do not result in overpayment to providers.

(ss) \$806,000 of the general fund—federal appropriation is provided solely for the authority to develop a peer support program for individuals with substance use disorders. These amounts must be used for development of training and certification of peers specialists. The authority must submit a state plan amendment which provides for these services to be included in behavioral health capitation rates beginning in fiscal year 2020 and allows for federal matching funds to be leveraged for these services.

(tt) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority, in collaboration with the department of social and health services, to further develop efforts to shift funding and risk for most civil long-term inpatient commitments into fully integrated care contracts beginning in January 2020. The funding and risk for patients at the state hospitals who have been committed pursuant to dismissal of felony charges after being determined incompetent to stand trial shall not be incorporated into integrated care contracts.

(i) By December 1, 2018, 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 on the following: (A) Actuarial estimates on the impact to per member per month payments and estimated annual state and federal costs for medicaid managed care organizations with fully integrated contracts; (B) actuarial estimates on the estimated annual costs for administrative services organizations; (C) estimates of the per-diem cost at the state hospitals that will be charged to entities with

responsibility for paying for long-term civil inpatient commitments once these are incorporated into fully integrated care contracts; and (D) estimates of the amount of funding that can be reduced from direct appropriations for the state hospitals to reflect the shift in financial responsibility.

(ii) The authority must also explore and report on options for fully leveraging the state's share of federal medicaid disproportionate share funding allowed for institutions of mental diseases, including but not limited to: (A) Prioritizing the use of this funding for forensic patients and those civilly committed pursuant to dismissal of a felony charge; (B) obtaining an institution for mental diseases—disproportionate share hospital waiver to allow for regular medicaid federal financial participation to be used at the state hospitals; and (C) shifting some of the state's current disproportionate share funding used at the state hospitals to community-based institutions for mental diseases to reduce the state cost of patients for whom regular federal medicaid match is not allowed.

(uu) \$2,732,000 of the general fund—state appropriation for fiscal year 2019 and \$9,026,000 of the general fund—federal appropriation are provided solely for the authority to implement strategies to improve access to prevention and treatment of opioid use disorders. The authority may use these funds for the following activities: (i) Expansion of hub and spoke treatment networks; (ii) expansion of pregnant and parenting case management programs; (iii) grants to tribes to prevent opioid use and expand treatment for opioid use disorders; (iv) development and implementation of a tool to track medication assisted treatment provider capacity; (v) support of drug take-back programs which allow individuals to return unused opioids and other drugs for safe disposal; (vi) purchase and distribution of opioid reversal medication; and (vii) maintaining support for youth prevention services. The authority must coordinate these activities with the department of health to avoid duplication of effort and must work to identify additional federal resources that can be used to maintain and expand these efforts. The authority must submit a report to the office of financial management and the appropriate committees of the legislature on the status of these efforts by December 1, 2018. The report must include identification of any increase in behavioral health federal block grants or other federal funding awards received by the authority and the plan for the use of these funds.

(vv) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the authority to contract with actuaries to develop estimates for the cost of implementing new behavioral health service types in the medicaid state plan. The authority must coordinate with behavioral health organizations to identify: (i) Eligible behavioral health service types that are currently provided to medicaid enrollees without federal funding and are dependent on state, local, or other funds; and (ii) eligible behavioral health service types that are not currently available to medicaid enrollees due to the lack of federal funding. The authority must contract with the actuaries responsible for certifying state behavioral health capitation rates to develop estimates for the cost of implementing each of these services. The estimates must identify the cost of implementing each service statewide, the estimated state and federal medicaid cost, and any estimated offset in state non-medicaid spending. The authority must submit a report to the office of financial management and the appropriate committees of the legislature identifying the services and costs estimates by November 1, 2018.

(ww) \$446,000 of the general fund—state appropriation for fiscal year 2019 and \$89,000 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.

(xx) No more than \$13,098,000 of the general fund—federal appropriation may be expended for supported housing and employment services described in initiative 3a and 3b of the medicaid transformation demonstration waiver under healthier Washington. Under this initiative, the department and the health care authority shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its providers 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 department shall not increase general fund—state expenditures under this initiative. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(yy) \$2,000,000 of the general fund—state appropriation for fiscal year 2019 and \$2,000,000 of the general fund—federal appropriation are provided solely for the health care authority to implement a process that increases access to children's long-term inpatient program (CLIP) by increasing bed capacity through current and new providers of services.

(zz) \$727,000 of the general fund—state appropriation for fiscal year 2019 and \$1,005,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6491 (outpatient behavioral health). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 214. 2017 3rd sp.s. c 1 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2018)	(\$2,317,000)
	\$2,224,000
General Fund—State Appropriation (FY 2019)	(\$2,359,000)
	\$2,293,000
General Fund—Federal Appropriation	(\$2,427,000)
	\$2,422,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$190,000
TOTAL APPROPRIATION	(\$7,103,000)

\$7,129,000

The appropriations in this section are subject to the following conditions and limitations: \$21,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 6471 (model sexual harassment policies). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 215. 2017 3rd sp.s. c 1 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account—State

Appropriation	\$10,000
Accident Account—State Appropriation	(\$22,437,000)
	<u>\$22,565,000</u>
Medical Aid Account—State Appropriation	(\$22,438,000)
	<u>\$22,566,000</u>
TOTAL APPROPRIATION	(\$44,885,000)
	<u>\$45,141,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$145,000 of the accident account—state appropriation for fiscal year 2019 and \$145,000 of the medical aid account—state for fiscal year 2019 are provided solely for implementation of Substitute House Bill No. 1723 (Hanford occupational disease). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 216. 2017 3rd sp.s. c 1 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—State Appropriation (FY 2018)	(\$21,703,000)
	<u>\$21,668,000</u>
General Fund—State Appropriation (FY 2019)	(\$20,705,000)
	<u>\$23,139,000</u>
General Fund—Private/Local Appropriation	(\$5,905,000)
	<u>\$6,673,000</u>
Death Investigations Account—State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account—State	
Appropriation	\$460,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$460,000</u>
Washington Auto Theft Prevention Authority Account—State	
Appropriation	\$8,167,000
24/7 Sobriety Account—State Appropriation	(\$30,000)
	<u>\$20,000</u>
TOTAL APPROPRIATION	(\$57,118,000)
	<u>\$60,735,000</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 2018 and \$5,000,000 of the general fund—state appropriation for fiscal year 2019, 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. The association may use no more than \$50,000 per fiscal year of the amounts provided on program management activities.

(2) \$1,284,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$1,283,000)~~) \$1,546,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for seventy-five percent of the costs of providing six additional statewide basic law enforcement trainings in (~~each~~) fiscal year 2018, and seven additional statewide basic law enforcement trainings in fiscal year 2019. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements.

(3) (~~(\$745,000)~~) \$792,000 of the general fund—local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(4) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(5) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(6) \$96,000 of the general fund—state appropriation for fiscal year 2018 and \$96,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the school safety center within the commission. 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, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(7) \$146,000 of the general fund—state appropriation for fiscal year 2018 and \$146,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(8) \$679,000 of the general fund—state appropriation for fiscal year 2018 and \$587,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(9) \$57,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(10) \$198,000 of the general fund—state appropriation for fiscal year 2018 and \$414,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 290, Laws of 2017 (ESHB 1109) (victims of sexual assault).

(11) \$117,000 of the general fund—state appropriation for fiscal year 2018, \$117,000 of the general fund—state appropriation for fiscal year 2019, and \$1,000,000 of the Washington auto theft prevention account—state appropriation are provided solely for the first responder building mapping information system.

(12) \$595,000 of the general fund—state appropriation for fiscal year 2018 and \$595,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to continue crisis intervention training required in chapter 87, Laws of 2015.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the criminal justice training commission to deliver research-based programs to instruct, guide, and support local law enforcement agencies in fostering the "guardian philosophy" of policing, which emphasizes de-escalating conflicts and reducing the use of force.

(14) \$429,000 of the general fund—state appropriation for fiscal year 2018 and \$429,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expenditure into the nonappropriated Washington internet crimes against children account for the implementation of chapter 84, Laws of 2015.

(15) \$842,000 of the general fund—state appropriation for fiscal year 2018 and (~~\$353,000~~) \$1,260,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the purpose of creating and funding on an ongoing basis the: (a) Updating and providing of basic and in-service training for peace officers and corrections officers that emphasizes de-escalation and use of less lethal force; and (b) creation and provision of an evidence-based leadership development program, in partnership with Microsoft, that trains, equips, and supports law enforcement leaders using research-based strategies to reduce crime and improve public trust. Of the amounts appropriated in this subsection, \$907,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the training in (a) of this subsection.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to the Washington association of sheriffs and police chiefs to fund pilot projects in Benton county to support local law enforcement education for law enforcement, medical professionals, first responders, courts, educators, and others to raise awareness and identifying warning signs of human trafficking. Any educational opportunities created through the pilot projects in Benton county may provide access for adjacent counties if resources and availability permits.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to the Washington association of sheriffs and police chiefs to

administer statewide training in the use of the Washington state gang database, established in compliance with RCW 43.43.762, and provide grant funding to ensure agencies enter appropriate and reliable data into the database. The training shall develop professionals with regional responsibilities for database administration throughout the state.

(18) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for providing grants for the mental health field response team grant program established in House Bill No. 2892 (mental health field response). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(19) \$176,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 1022 (crime victim participation). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington association of sheriffs and police chiefs to convene a work group to develop strategies for identification and intervention against potential perpetrators of mass shootings, with an emphasis on school safety, and report on recommendations for their prevention.

(a) The work group includes, but is not limited to, representatives of the superintendent of public instruction, the school safety center advisory committee, state colleges and universities, local law enforcement, the Washington state patrol, the attorney general, mental health experts, victims of mass shootings, and the American civil liberties union of Washington.

(b) The work group shall assess and make recommendations regarding:

(i) Strategies to identify persons who may commit mass shootings associated with K-12 schools and colleges and universities;

(ii) A survey of services around the state available for those experiencing a mental health crisis;

(iii) A survey of state and federal laws related to intervening against potential perpetrators or confiscating their firearms; and

(iv) Strategies used by other states or recommended nationally to address the problem of mass shootings.

(c) The work group shall submit a report, which may include findings, recommendations, and proposed legislation, to the appropriate committees of the legislature by December 1, 2018. The report shall consider the following strategies:

(i) Promoting to the public the availability of extreme risk protection orders as a means of avoiding mass shootings;

(ii) A rapid response interdisciplinary team composed of law enforcement, mental health experts, and other appropriate parties who could be mobilized to intervene and prevent a potential crisis at a school or institution of higher learning; and

(iii) Whether reasonable restrictions should be imposed on the access to firearms by those suffering from a mental illness that are consistent with the individual right to bear arms.

Sec. 217. 2017 3rd sp.s. c 1 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State Appropriation (FY 2018)	.....(((\$7,671,000))	
		<u>\$6,513,000</u>
General Fund—State Appropriation (FY 2019)	.....(((\$8,897,000))	
		<u>\$9,285,000</u>
General Fund—Federal Appropriation	.....	\$11,876,000
Asbestos Account—State Appropriation	.....(((\$527,000))	
		<u>\$526,000</u>
Electrical License Account—State Appropriation	.....(((\$52,100,000))	
		<u>\$53,776,000</u>
Farm Labor Contractor Account—State Appropriation	.....	\$28,000
Worker and Community Right-to-Know Account—State Appropriation	.....(((\$993,000))	
		<u>\$991,000</u>
Public Works Administration Account—State Appropriation	.....(((\$6,303,000))	
		<u>\$9,849,000</u>
Manufactured Home Installation Training Account—State Appropriation	.....(((\$378,000))	
		<u>\$377,000</u>
Accident Account—State Appropriation	.....(((\$320,314,000))	
		<u>\$320,925,000</u>
Accident Account—Federal Appropriation	.....	\$16,765,000
Medical Aid Account—State Appropriation	.....(((\$333,053,000))	
		<u>\$334,083,000</u>
Medical Aid Account—Federal Appropriation	.....	\$3,739,000
Plumbing Certificate Account—State Appropriation	.....(((\$1,882,000))	
		<u>\$1,880,000</u>
Pressure Systems Safety Account—State Appropriation	.....(((\$4,442,000))	
		<u>\$4,433,000</u>
Construction Registration Inspection Account—State Appropriation	.....(((\$19,128,000))	
		<u>\$20,945,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	.....	<u>\$1,435,000</u>
TOTAL APPROPRIATION	.....(((\$788,096,000))	
		<u>\$797,426,000</u>

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

((~~3~~)) (1) \$123,000 of the accident account—state appropriation and \$22,000 of the medical aid—state appropriation are provided solely for implementation of chapter 150, Laws of 2017 (House Bill No. 1906) (farm internship).

((~~4~~)) (2) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems. The department must enter into an

agreement with the health care authority to pay its share of the costs of implementing and operating a new provider credentialing system.

~~((5))~~ ~~(\$6,124,000))~~ (3) \$5,802,000 of the accident account—state appropriation and ~~((5,989,000))~~ \$5,676,000 of the medical aid account—state appropriation are provided solely for business transformation projects and are subject to the conditions, limitations, and review provided in section 724 of this act.

~~((6))~~ (4) \$19,128,000 of the construction registration inspection account—state appropriation is provided solely to implement House Bill No. 1716 (construction inspection account). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

~~((7))~~ (5) \$2,000,000 of the accident account—state appropriation and \$2,000,000 of the medical account—state appropriation are provided solely for a contract with a workforce institute to provide supplemental instruction for information technology apprentices. Funds spent for this purpose must be matched by an equal amount of funding from the information technology industry members, except small and mid-sized employers. Up to \$2,000,000 may be spent to provide supplemental instruction for apprentices at small and mid-sized businesses. "Small and mid-sized employers" means those that have fewer than one hundred employees or have less than five percent net profitability.

(6) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must issue an initial report to the legislature, by June 30, 2020, assessing the physical capacity of workers in the context of the industry's economic environment and ascertain usable support tools for employers and workers to decrease risk of injury. After the initial report, the department must produce annual progress reports, beginning in 2021 through the year 2022 or until the tools are fully developed and deployed. The annual progress reports must be submitted to the legislature by December 1st of each year such reports are due.

(7) \$1,272,000 of the public works administration account—state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1673 (responsible bidder criteria). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$185,000 of the accident account—state appropriation and \$185,000 of the medical aid account—state appropriation are provided solely to implement Substitute House Bill No. 1723 (Hanford/occupational disease). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(9) \$422,000 of the medical aid account—state appropriation is provided solely to implement Second Substitute Senate Bill No. 6245 (spoken language interpreters). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$51,000 of the medial aid account—state appropriation and \$50,000 of the accident account—state appropriation are provided solely for the implementation of Substitute House Bill No. 1022 (crime victim participation). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

Sec. 218. 2017 3rd sp.s. c 1 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

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

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. 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 2018)	.....(((\$2,004,000))	\$1,913,000
General Fund—State Appropriation (FY 2019)	.....(((\$1,997,000))	\$1,907,000
Charitable, Educational, Penal, and Reformatory		
Institutions Account—State Appropriation	.....	\$10,000
Pension Funding Stabilization Account—State		
Appropriation	.....	\$185,000
TOTAL APPROPRIATION	.....(((\$4,011,000))	\$4,015,000

The appropriations in this subsection are subject to the following conditions and limitations: \$85,000 of the general fund—state appropriation for fiscal year 2018 and \$84,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 173, Laws of 2017 (ESSB 1802) (veterans' shared leave pool).

~~((2))~~ (3) FIELD SERVICES

General Fund—State Appropriation (FY 2018)	.....	(\$6,220,000)
		<u>\$6,077,000</u>
General Fund—State Appropriation (FY 2019)	.....	(\$6,278,000)
		<u>\$6,126,000</u>
General Fund—Federal Appropriation	.....	(\$3,751,000)
		<u>\$3,747,000</u>
General Fund—Private/Local Appropriation	.....	(\$4,799,000)
		<u>\$4,794,000</u>
Veteran Estate Management Account—Private/Local Appropriation	.....	(\$666,000)
		<u>\$664,000</u>
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>	.....	<u>\$443,000</u>
TOTAL APPROPRIATION	.....	(\$21,714,000)
		<u>\$21,851,000</u>

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

(a) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 192, Laws of 2017 (SB 5849) (veterans' services).

(c) \$110,000 of the general fund—state appropriation for fiscal year 2018 and \$110,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the expansion of the veterans conservation corps by fifteen paid internships.

~~((3))~~ (4) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2018)	.....	(\$2,105,000)
		<u>\$11,925,000</u>
General Fund—State Appropriation (FY 2019)	.....	(\$2,307,000)
		<u>\$5,831,000</u>
General Fund—Federal Appropriation	.....	(\$93,767,000)
		<u>\$84,027,000</u>
General Fund—Private/Local Appropriation	.....	(\$35,687,000)
		<u>\$27,983,000</u>
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>	.....	<u>\$1,462,000</u>

TOTAL APPROPRIATION((\$133,866,000))
\$131,228,000

Sec. 219. 2017 3rd sp.s. c 1 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2018)	((<u>\$71,759,000</u>))
	<u>\$70,667,000</u>
General Fund—State Appropriation (FY 2019)	((<u>\$72,148,000</u>))
	<u>\$78,618,000</u>
General Fund—Federal Appropriation	((<u>\$550,186,000</u>))
	<u>\$550,114,000</u>
General Fund—Private/Local Appropriation	((<u>\$185,189,000</u>))
	<u>\$186,257,000</u>
Hospital Data Collection Account—State Appropriation	((<u>\$348,000</u>))
	<u>\$347,000</u>
Health Professions Account—State Appropriation	((<u>\$129,629,000</u>))
	<u>\$132,578,000</u>
Aquatic Lands Enhancement Account—State Appropriation	\$623,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	((<u>\$9,247,000</u>))
	<u>\$9,872,000</u>
Safe Drinking Water Account—State Appropriation	((<u>\$5,678,000</u>))
	<u>\$5,667,000</u>
Drinking Water Assistance Account—Federal Appropriation	((<u>\$16,016,000</u>))
	<u>\$15,990,000</u>
Waterworks Operator Certification—State Appropriation	((<u>\$1,671,000</u>))
	<u>\$1,836,000</u>
Drinking Water Assistance Administrative Account—State Appropriation	((<u>\$372,000</u>))
	<u>\$371,000</u>
Site Closure Account—State Appropriation	((<u>\$169,000</u>))
	<u>\$168,000</u>
Biotoxin Account—State Appropriation	((<u>\$1,972,000</u>))
	<u>\$1,968,000</u>
State Toxics Control Account—State Appropriation	((<u>\$4,259,000</u>))
	<u>\$4,249,000</u>
Medicaid Fraud Penalty Account—State Appropriation	((<u>\$938,000</u>))
	<u>\$1,098,000</u>
Medical Test Site Licensure Account—State Appropriation	((<u>\$2,594,000</u>))
	<u>\$2,591,000</u>
Youth Tobacco and Vapor Products Prevention Account—State Appropriation	((<u>\$4,963,000</u>))
	<u>\$3,363,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2018)	\$9,761,000
Dedicated Marijuana Account—State Appropriation (FY 2019)	((<u>\$9,766,000</u>))

	<u>\$9,764,000</u>
Public Health Supplemental Account—Private/Local	
Appropriation	\$3,248,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$3,821,000</u>
Accident Account—State Appropriation	((\$344,000))
	<u>\$343,000</u>
Medical Aid Account—State Appropriation	\$53,000
Suicide-Safer Homes Project Account—State Appropriation	\$50,000
TOTAL APPROPRIATION	((\$1,080,983,000))
	<u>\$1,093,417,000</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 2017-2019 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2018 and 2019 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)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to support the local health jurisdictions to improve their ability to address (i) communicable disease monitoring and prevention and (ii) chronic disease and injury prevention. The department and representatives of local health jurisdictions must work together to arrive at a mutually acceptable allocation and distribution of funds and to determine the best accountability measures to ensure efficient and effective use of funds, emphasizing the use of shared services.

(b) By December 31, 2017, the department shall provide a preliminary report, and by November 30, 2018, a final report, to the appropriate committees of the legislature regarding:

(i) The allocation of funding, as provided in this subsection, to the local health jurisdictions;

(ii) Steps taken by the local health jurisdictions that received funding to improve communicable disease monitoring and prevention and chronic disease and injury prevention;

(iii) An assessment of the effectiveness of the steps taken by local health jurisdictions and the criteria measured; and

(iv) Any recommendations for future models for service delivery to address communicable and chronic diseases.

(5)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department, as part of foundational public health services, to implement strategies to control the spread of communicable diseases and other health threats. These strategies may include updating or replacing equipment in the state public health laboratory; addressing health inequities among state residents; reporting on the root cause analyses of adverse events at medical facilities; performing critical activities to prevent adverse health consequences of hepatitis C; or assessing information technology system consolidation and modernization opportunities for statewide public health data systems.

(b) By November 30, 2018, the department shall develop a statewide governmental public health improvement plan and provide it to the appropriate committees of the legislature.

(6) \$26,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 295, Laws of 2017 (SHB 1258) (first responders/disability).

(7) Within amounts appropriated in this section, funding is provided to implement chapter 312, Laws of 2017 (SSB 5046) (language of public notices).

(8) \$39,000 of the general fund—local appropriation is provided solely for the implementation of chapter 249, Laws of 2017 (ESHB 1714) (nurse staffing plans).

(9) \$27,000 of the health professions account—state appropriation and \$50,000 of the Suicide-Safer Homes Project account are provided solely for the implementation of chapter 262, Laws of 2017 (E2SHB 1612) (reducing access to lethal means).

(10) \$269,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment program).

(11) \$350,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided to the department solely to cover costs of providing increased capacity under existing contracts with suicide prevention lines to respond to calls to the national suicide prevention lifeline.

(12) \$40,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$40,000)~~ \$90,000) of the general fund—state appropriation for fiscal year 2019 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.

(13)(a) Within amounts appropriated in this section, the department, in consultation with advocacy groups and experts that focus on hunger and poverty issues, shall produce a report regarding ongoing nutrition assistance programs funded by the United States department of agriculture and administered in Washington state. The report must be a compilation, by program, of data already collected by the department of social and health services, the department of health, the office of the superintendent of public instruction, and the Washington state department of agriculture, and it must include, where available, but is not limited to:

- (i) The number of people in Washington who are eligible for the program;
- (ii) The number of people in Washington who participated in the program;
- (iii) The average annual participation rate in the program;
- (iv) Participation rates by geographic distribution; and
- (v) The annual federal funding of the program in Washington.

(b) The department shall report to the appropriate committees of the legislature and to the governor. An initial report is due by April 30, 2018, and a second report is due by April 30, 2019.

(14) 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 health are subject to technical oversight by the office of the state chief information officer.

(15) \$2,604,000 of the health professions account—state appropriation is provided solely for the medical quality assurance commission to address increased workload.

(16) \$896,000 of the health professions account—state appropriation is provided solely for the pharmacy commission to improve research and communication to pharmacies regarding the development and implementation of new and changing rules.

(17) \$9,000,000 of the general fund—federal appropriation is provided solely for the department to implement projects and activities during the 2017-2019 fiscal biennium that are designed to improve the health and well-being of individuals living with human immunodeficiency virus, including:

(a) A health disparity project to increase access to dental, mental health, and housing services for populations that have historically experienced limited access to needed services, including Latino individuals in central Washington;

(b) A project to establish a peer-to-peer network for individuals living with human immunodeficiency virus. Trained navigators will work to link individuals living with human immunodeficiency virus to medical care, housing support, training, and other needed services;

(c) A project to expand the MAX clinic within Harborview hospital to serve an increased number of high-need clients and establishing a MAX clinic to serve high-need clients in Pierce county. This project shall also provide statewide training for staff of the department, of local health jurisdictions, and of providers of services for persons with human immunodeficiency virus;

(d) The development of a single eligibility portal to allow statewide usage and streamlined case management for individuals who are living with human immunodeficiency virus and receiving public health services; and

(e) An assessment and evaluation of the effectiveness of each of the projects outlined in subsections (a) through (d) of this subsection.

(18) \$6,096,000 of the general fund—local appropriation is provided solely for the department to target its efforts in the HIV early intervention program toward populations with health disparities.

(19) \$1,118,000 of the general fund—local appropriation is provided solely for equipment, testing supplies, and materials necessary to add x-linked adrenoleukodystrophy to the mandatory newborn screening panel. The department is authorized to increase the newborn screening fee by \$8.10.

(20) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for:

(a) Increased screening, case management, and an electronic data reporting system to identify children who are at the highest risk of having elevated levels of lead in their blood, prioritizing children who live in areas where the risk is highest; and

(b) Sampling and testing of drinking water and water fixtures in public schools. The department, in collaboration with the educational service districts, must prioritize testing within elementary schools where drinking water and water fixtures have not been tested for contaminants at any time, and elementary schools where drinking water and water fixtures have not been tested within the past three years. Consistent with the United States environmental protection agency's manual, "3Ts for Reducing Lead in Drinking Water in Schools—Revised Technical Guidance," the department must develop guidance and testing protocols for the lead action level for drinking water and for testing drinking water and drinking water fixtures in public and private schools. The guidance must include:

(i) Actions to take if test results exceed the federal action level or public drinking water standard;

(ii) Recommendations to schools on prioritizing fixture replacement, and options for further reducing lead, including replacement of fixtures or use of certified filters when results are below the federal action level for schools, but exceed the maximum level recommended by the American Academy of Pediatrics; and

(iii) Recommendations for communicating test results and risk to parents and the community, including that there is no safe level of lead in water and that action may be warranted even if levels are below the action level.

(21) \$277,000 of the general fund—local appropriation is provided solely to implement chapter 207, Laws of 2017 (E2SHB 1819) (children's mental health).

(22) \$130,000 of the general fund—state appropriation for fiscal year 2018 and \$130,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to increase the funding for the breast, cervical, and colon health program administered by the department.

(23) Within the amounts appropriated in this section, and in accordance with RCW 43.20B.110 and 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(24) 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.

~~(25) (\$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract with a nongovernmental entity that has experience in adapting global health strategies to underserved communities for a pilot program to develop strategies to address health disparities in rural communities. The program should engage marginalized communities in order to identify barriers and social determinants that most impact health, including access to housing and food and economic stability. The department must report to the legislature by December 1, 2018, regarding identified barriers and any recommendations for interventions.~~

~~(26))~~ \$27,000 of the general fund—state appropriation for fiscal year 2018 and \$16,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 273, Laws of 2017 (E2SHB 1358) (community assistance referral programs).

~~((27))~~ (26) \$224,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 320, Laws of 2017 (SSB 5322) (dentists and third parties).

~~((28))~~ (27) \$93,000 of the health professions account—state appropriation is provided solely for the implementation of chapter 101, Laws of 2017 (ESHB 1431) (osteopathic medicine and surgery).

~~((29))~~ (28) \$82,000 of the general fund—local appropriation is provided solely for the implementation of chapter 263, Laws of 2017 (SSB 5152) (pediatric transitional care).

~~((30))~~ (29) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to prepare and submit a report about the certificate of need program to the governor and the appropriate fiscal and policy committees of the legislature by October 1, 2017. By health care setting, for each of the preceding ten fiscal years, the report must show the total number of applications, the total number of accepted applications, the total number of beds requested, the total number of beds approved, and a summary of the most common reasons for declining an application. The report must include suggestions for modifying the program to increase the number of successful applications. At least one suggestion must address the goal of adding psychiatric beds within hospitals.

~~((31))~~ (30) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

~~((32))~~ (31) \$28,000 of the general fund—state appropriation for fiscal year 2018 and \$28,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for staffing capacity at the department to support a performance audit of the fee-setting process for each health profession licensed by the department.

~~((33))~~ (32) The appropriations in this section include sufficient funding for the implementation of chapter 294, Laws of 2017 (SSB 5835) (health outcomes/pregnancy).

(33) \$670,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a collaboration between local public health, accountable communities of health, and health care providers to reduce preventable hospitalizations. This one-year initiative will take place in the Tacoma/Pierce county local health jurisdiction.

(34) \$556,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to replace the comprehensive hospital abstract reporting system and is subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(35) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department, in partnership with the department of social and health services and the health care authority, to assist a collaborative public-private entity with implementation of recommendations in the state plan to address alzheimer's disease and other dementias.

(36) In accordance with RCW 70.96A.090, 71.24.035, 43.20B.110, and 43.135.055, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2018 and 2019 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.

(37) \$30,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the nursing care quality assurance commission to convene and facilitate a work group to assess the need for nurses in long-term care settings and to make recommendations regarding worker recruitment, training, and retention challenges for long-term care providers in the sectors of skilled nursing facilities, assisted-living facilities, and adult family homes.

(a) The work group must:

(i) Determine the current and projected worker vacancy rates in the long-term care sectors compared to the workload projections for these sectors;

(ii) Develop recommendations for a standardized training curriculum for certified nursing assistants that ensures that workers are qualified to provide care in each sector, including integration into the curriculum of specific training for the care of clients with dementia, developmental disabilities, and mental health issues;

(iii) Review academic and other prerequisites for training for licensed practical nurses to identify any barriers to career advancement for certified nursing assistants;

(iv) Identify barriers to career advancement for long-term care workers; and

(v) Evaluate the oversight roles of the department of health and the department of social and health services for nurse training programs and make recommendations for streamlining those roles.

(b) The members of the work group must include the following:

(i) The chair of the house health care and wellness committee or his or her designee;

(ii) The chair of the senate health and long-term care committee or his or her designee;

(iii) The assistant secretary of the aging and disability support administration of the department of social and health services, or his or her designee;

(iv) A member of the Washington apprenticeship and training council, chosen by the director of the department of labor and industries;

(v) A representative from the health services quality assurance division of the department of health, chosen by the secretary;

(vi) The executive director of the Washington state board for community and technical colleges or his or her designee;

(vii) A representative of the largest statewide association representing nurses;

(viii) A representative of the largest statewide union representing home care workers;

(ix) A representative of the largest statewide association representing assisted living and skilled nursing facilities;

(x) A representative of the adult family home council of Washington; and

(xi) The Washington state long-term care ombuds or his or her designee.

(d) The work group must meet at least three times, and the first meeting must occur no later than July 15, 2018. The commission must report no later than December 15, 2018, to the governor and the legislature regarding the work group's assessments and recommendations.

(38) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to implement training and education recommendations described in the 2016 report of the community health worker task force. The department shall report to the legislature on the progress of implementation no later than June 30, 2019. These moneys shall only be used to cover the cost of the department's staff time, meeting expenses, and community outreach.

(39) \$3,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to Seattle and King county public health for core public

health services that prevent and stop the spread of communicable disease, including but not limited to zoonotic and emerging diseases and chronic hepatitis B and hepatitis C.

(40) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$360,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive Group B programs to ensure safe and reliable drinking water. These amounts 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.

(41) \$485,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Substitute House Bill No. 2671 (behavioral health/agricultural industry). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(42) \$113,000 of the general fund—local appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6037 (uniform parentage act). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(43) \$19,000 of the health professions account—state appropriation is provided solely to implement Substitute Senate Bill No. 6273 (state charity care). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(44) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a grant to the Benton-Franklin local health jurisdiction to expand its youth suicide prevention activities and to serve as a case study to identify best practice materials, training, intervention practices, and promotional strategies that can be replicated in other local health jurisdictions. The amounts appropriated must be used for the following activities:

(a) Prior to September 1, 2018, the Benton-Franklin local health jurisdiction must document the materials, training, intervention practices, and promotional strategies for youth suicide prevention that are available within Benton county and Franklin county.

(b) Prior to October 1, 2018, the Benton-Franklin local health jurisdiction must host a summit about the issue of youth suicide prevention. The summit must include attendees from schools, health care organizations, nonprofit organizations, and other relevant organizations from Benton county and Franklin county. The summit may also include attendees from other areas of the state who have unique knowledge and expertise with the issue of youth suicide prevention. Prior to the summit, the Benton-Franklin local health jurisdiction must share the result of the work described in (a) of this subsection with all attendees. During the summit, the Benton-Franklin local health jurisdiction must survey the attendees to determine best practices for educational materials, training, intervention practices, and promotional strategies.

(c) Prior to November 1, 2018, the Benton-Franklin local health jurisdiction must complete a plan for expanding youth suicide prevention that is based primarily on the survey of attendees described in (b) of this subsection. For each investment, the plan must describe the amount of funding utilized, as well as the expected results. The plan must be shared with the office of financial

management, and the appropriate fiscal and policy committees of the legislature, by November 10, 2018.

(d) Prior to June 15, 2019, the Benton-Franklin local health jurisdiction must complete a final report summarizing the work completed to satisfy (a) through (c) of this subsection. The final report must include a description of outcomes that can be measured and linked to the expansion of youth suicide prevention activities funded by this subsection. The final report will serve as a guide for further expansion of youth suicide prevention in Benton-Franklin, or within other local health jurisdictions. The final report must be shared with the office of financial management, and the appropriate fiscal and policy committees of the legislature, by June 30, 2019.

(45) \$300,000 of the general fund—state appropriation for fiscal year 2019, \$626,000 of the emergency medical services account appropriation, and \$70,000 of the health profession account appropriation are provided solely for the department to establish a statewide electronic emergency medical services data system for licensed ambulances and aid services to report and furnish patient encounter data, for the distribution of health care supplies through the hub and spoke community-based public health programs, and for knowledge-based identity verification for the prescription monitoring program. The secretary shall be responsible for coordinating the statewide response to the opioid epidemic.

(46) \$375,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a private or nonprofit business or organization with experience using evidence-based practices and promising practices for global strategies to reduce health disparities and address root social determinants of health for underserved communities in rural Washington state; with experience in working with underserved populations who face barriers to basic health and economic resources, including lack of access to preventative care, contributing to mismanagement of chronic disease and shortened lifespan; and with expertise regarding Washington state's global health institutions to bring strategies that have proven effective in developing countries to underserved communities in the United States. The program should engage marginalized communities in order to identify barriers and social determinants that most impact health, including access to housing and food and economic stability and be able to identify, train, and provide tools to community leaders. The department must report to the legislature by December 1, 2019, regarding identified barriers and any recommendations for interventions.

(47) \$160,000 of the medicaid fraud penalty account—state appropriation is provided solely for additional staffing to coordinate the integration of the prescription monitoring program data into electronic health systems pursuant to chapter 297, Laws of 2017 (ESHB 1427) (opioid treatment programs).

(48) \$25,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6529 (pesticide application safety). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(49) \$791,000 of the health professions account—state appropriation is provided solely to implement House Bill No. 2313 (chiropractic quality assurance commission). If this bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 220. 2017 3rd sp.s. c 1 s 220 (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, 2018, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2018 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2018)	(\$64,492,000)
	<u>\$60,866,000</u>
General Fund—State Appropriation (FY 2019)	(\$64,219,000)
	<u>\$61,152,000</u>
General Fund—Federal Appropriation	\$400,000
Pension Funding Stabilization Account—State	
<u>Appropriation</u>	<u>\$7,602,000</u>
TOTAL APPROPRIATION	(\$128,711,000)
	<u>\$130,020,000</u>

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

(a) \$35,000 of the general fund—state appropriation for fiscal year 2018 and \$35,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c) ~~(((\$865,000))~~ \$488,000 of the general fund—state appropriation for fiscal year 2018 and ~~(((\$587,000))~~ \$964,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for information technology business solutions and are subject to the conditions, limitations, and review provided in section 724 of this act.

(d) The department, in collaboration with the health care authority, shall work to ensure that a single platform provider credentialing system is implemented. The authority and department shall ensure that appropriate cost offsets and cost avoidance are assumed for reduced staff time required for provider credentialing activity and reductions in improper billing activity when implementing provider credentialing systems.

(e) \$51,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2018)	.....	(((\$541,061,000))
		\$499,134,000
General Fund—State Appropriation (FY 2019)	.....	(((\$562,878,000))
		\$515,165,000
General Fund—Federal Appropriation	.....	\$818,000
Washington Auto Theft Prevention Authority Account—State		
Appropriation	.....	(((\$4,608,000))
		\$4,588,000
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>	.....	\$62,831,000
TOTAL APPROPRIATION	.....	(((\$1,109,365,000))
		\$1,082,536,000

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

(a) The department may contract for 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 duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$85 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$85 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$501,000 of the general fund—state appropriation for fiscal year 2018 and \$501,000 of the general fund—state appropriation for fiscal year 2019 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) \$1,379,000 of the general fund—state appropriation for fiscal year 2018, and \$1,379,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to contract for the use of inmate bed capacity in lieu of prison beds operated by the state to meet prison capacity needs.

~~(d) (\$250,000 of the general fund—state appropriation for fiscal year 2018 and~~ \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to enter into an agreement to purchase electricity for the Monroe correctional complex from a ~~((sawmill—waste eogeneration system that is connected to a lumber mill that employs at least 150 people. The agreement cannot increase the total cost for the purchase of electricity for the entire complex))~~ source located in Snohomish county that is fueled using commercial or industrial waste from an on-site lumber mill that employs at least 150 people.

(e) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(f) The appropriations in this section include sufficient funding for the implementation of chapter 226, Laws of 2017 (HB 1153) (vulnerable persons/crimes).

~~(g) ((The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons):~~

~~(i))~~ Within the amounts appropriated in this section, the department of corrections must review the use of full body scanners at state correctional facilities for women to reduce the frequency of strip and body cavity searches

and report with recommendations to the governor and the appropriate legislative committees by November 15, 2017. The report must address the cost of technology, installation, and maintenance; the benefits to personnel and inmates; information regarding accumulated exposure to radiation; and general guidelines for implementation at a pilot facility.

(h) \$400,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with an independent third party to: (i) Provide a comprehensive review of the prison staffing model; and (ii) develop an updated prison staffing model for use by the department.

(i) \$240,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to install a body scanner at the Washington corrections center for women as a pilot project to reduce strip searches. The department must collect data on its change in practices, the benefits or issues with utilizing body scanners in the prison, and provide a report to the legislature and the appropriate fiscal committees of the legislature by October 15, 2019.

(j) \$240,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2018)	(\$181,670,000)
	\$179,455,000
General Fund—State Appropriation (FY 2019)	(\$187,807,000)
	\$189,378,000
General Fund—Federal Appropriation	(\$2,368,000)
	\$2,898,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation.</u>	\$12,791,000
TOTAL APPROPRIATION	(\$371,845,000)
	\$384,522,000

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 the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increases, provided that 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.

(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) By January 1, 2018, the department of corrections shall provide a report to the office of financial management and the appropriate fiscal and policy

committees of the legislature to include a review of the department's policies and procedures related to swift and certain sanctioning, and identification of legal decisions that impact caseload and operations. The report shall include recommendations for improving public and staff safety while decreasing recidivism through improved alignment of the department's policies and procedures with current best practices concerning swift and certain sanctioning. The report shall include a review of department practices, legal decisions that impact caseload and operations, an analysis of current best practices in other jurisdictions that have adopted swift and certain sanctioning, and recommendations to improve the department's practices and procedures.

(d) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

~~(e) ((The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5934 (concerning convicted persons).))~~ \$1,742,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2018)	(\$5,985,000)
	<u>\$6,278,000</u>
General Fund—State Appropriation (FY 2019)	(\$6,085,000)
	<u>\$5,959,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation.....</u>	<u>\$510,000</u>
TOTAL APPROPRIATION	(\$12,070,000)
	<u>\$12,747,000</u>

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2018)	(\$44,091,000)
	<u>\$45,002,000</u>
General Fund—State Appropriation (FY 2019)	(\$41,176,000)
	<u>\$42,889,000</u>
TOTAL APPROPRIATION	(\$85,267,000)
	<u>\$87,891,000</u>

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

(a) \$13,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(b) \$72,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1889 (corrections ombuds). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2018)	(\$55,170,000)
	<u>\$52,685,000</u>

General Fund—State Appropriation (FY 2019)	(\$56,426,000)
	\$56,724,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation.</u>	\$4,434,000
TOTAL APPROPRIATION	(\$111,596,000)
	\$113,843,000

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

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department shall submit a report by December 1, 2018, to the appropriate committees of the legislature regarding the department's compliance with this subsection. The report must: (i) Include a summary of the comprehensive plan; (ii) analyze state funds allocated to cognitive behavioral change programs and reentry specific programs, including percentages and amounts of funds used in evidence-based practices and the number of people being served; (iii) identify discontinued and newly implemented cognitive behavioral change programs and reentry specific programs, including information used by the department in evaluating the effectiveness of discontinued and implemented programs; and (iv) provide recommendations to improve program outcomes, including recommended strategies, deadlines, and funding.

(c) Within the amounts appropriated in this section, funding is provided to implement chapter 335, Laws of 2017 (SB 5037) (DUI 4th offense/felony).

(d) \$334,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Substitute House Bill No. 2638 (graduated reentry program). If the bill is not enacted by June 30, 2018, the amount in this subsection shall lapse.

(7) HEALTH CARE SERVICES

General Fund—State Appropriation (FY 2018)	(\$128,680,000)
	\$144,271,000
General Fund—State Appropriation (FY 2019)	(\$127,782,000)
	\$146,621,000
TOTAL APPROPRIATION	(\$256,462,000)
	\$290,892,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods ~~(and)~~, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

Sec. 221. 2017 3rd sp.s. c 1 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation (FY 2018)	.....(((\$2,478,000))	
		<u>\$2,454,000</u>
General Fund—State Appropriation (FY 2019)	.....(((\$2,525,000))	
		<u>\$2,565,000</u>
General Fund—Federal Appropriation	.....(((\$25,276,000))	
		<u>\$25,274,000</u>
General Fund—Private/Local Appropriation	.....	\$60,000
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>	.....	<u>\$173,000</u>
TOTAL APPROPRIATION	.....(((\$30,339,000))	
		<u>\$30,526,000</u>

Sec. 222. 2017 3rd sp.s. c 1 s 222 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

<u>General Fund—State Appropriation (FY 2019)</u>	.....	<u>\$35,000</u>
General Fund—Federal Appropriation	.....(((\$216,993,000))	
		<u>\$209,332,000</u>
General Fund—Private/Local Appropriation	.....(((\$35,426,000))	
		<u>\$35,405,000</u>
Unemployment Compensation Administration Account—Federal		
Appropriation	.....(((\$270,643,000))	
		<u>\$269,350,000</u>
Administrative Contingency Account—State		
Appropriation	.....(((\$20,386,000))	
		<u>\$20,407,000</u>
Employment Service Administrative Account—State		
Appropriation	.....(((\$53,555,000))	
		<u>\$53,804,000</u>
Family and Medical Leave Insurance Account—State		
Appropriation	.....	\$82,000,000
TOTAL APPROPRIATION	.....(((\$679,003,000))	
		<u>\$670,333,000</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) \$4,152,000 of the unemployment compensation administration account—federal appropriation is provided solely to the unemployment tax and benefits systems and is subject to the conditions, limitations, and review provided in section 724 of this act.
- (3) \$82,000,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave), or Senate Bill No. 5032 (family and medical leave insurance). If none of the bills are enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(4) \$35,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$530,000 of the unemployment compensation administration account—federal appropriation is provided solely for the implementation of Substitute House Bill No. 2703 (ed. employee comp. claims). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$222,000 of the unemployment compensation administration account—federal appropriation is provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 223. 2017 3rd sp.s. c 1 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

(1) CHILDREN AND FAMILIES SERVICES PROGRAM

General Fund—State Appropriation (FY 2019)	(\$366,467,000)
	<u>\$361,756,000</u>
General Fund—Federal Appropriation	(\$236,770,000)
	<u>\$246,625,000</u>
General Fund—Private/Local Appropriation	\$1,477,000
Domestic Violence Prevention Account—State Appropriation	\$1,002,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$13,976,000</u>
TOTAL APPROPRIATION	(\$605,716,000)
	<u>\$624,836,000</u>

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

(a) \$748,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(b) \$253,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the costs of hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(c) \$579,000 of the general fund—state appropriation for fiscal year 2019 and \$55,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(d) \$990,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for services provided through children's advocacy centers.

(e) \$1,351,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(f) \$7,173,000 of the general fund—state appropriation for fiscal year 2019 and \$6,022,000 of the general fund—federal appropriation are provided solely for family assessment response. Amounts appropriated in this subsection are sufficient to implement Substitute Senate Bill No. 6309 (family assessment response).

(g) \$94,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(h) \$2,933,000 of the general fund—state appropriation for fiscal year 2019 and \$876,000 of the general fund—federal appropriation are provided solely for the department to reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome.

(i)(A) \$540,000 of the general fund—state appropriation for fiscal year 2019, \$328,000 of the general fund private/local appropriation, and \$126,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The department is encouraged to use private matching funds to maintain educational advocacy services.

(B) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(j) The department shall continue to implement policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification.

(k) \$111,000 of the general fund—state appropriation for fiscal year 2019 and \$26,000 of the general fund—federal appropriation are provided solely for a base rate increase for licensed family child care providers. In addition, \$45,000 of the general fund—state appropriation for fiscal year 2019 and \$11,000 of the general fund—federal appropriation are provided solely for increasing paid professional days from three days to five days for licensed family child care providers. Amounts in this subsection are provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection are contingent on the enactment of Senate Bill No. 5969 (transparency in public employee

collective bargaining). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection (k) shall lapse.

(l) \$321,000 of the general fund—state appropriation for fiscal year 2019 and \$133,000 of the general fund—federal appropriation are provided solely to implement chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(m) \$400,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a national nonprofit organization to, in partnership with private matching funds, subcontract with a community organization for specialized, enhanced adoption placement services for legally free children in state custody. The contract must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children.

(n) \$375,000 of the general fund—state appropriation for fiscal year 2019 and \$56,000 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 must submit an analysis of the strategies and associated outcomes no later than October 1, 2018.

(o) ~~(\$3,600,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for state supplemental payments for the state maintenance of effort requirement to qualify for medicaid federal financial participation.)~~ 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.

(p) \$1,018,000 of the general fund—state appropriation for fiscal year 2019 and \$195,000 of the general fund—federal appropriation are provided solely for a six percent base rate increase for child care center providers, effective September 1, 2017.

(q) \$1,230,000 of the general fund—state appropriation for fiscal year 2019 and \$78,000 of the general fund—federal appropriation are provided solely to increase the travel reimbursement for in-home service providers.

(r) The department is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(s) \$1,342,000 of the general fund—state appropriation for fiscal year 2019 and \$959,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). Within the amounts provided in this section, \$366,000 of the general fund—state appropriation for fiscal year 2019 and \$174,000 of the general fund—federal

appropriation are provided solely for short-term care for licensed foster families. If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(t) \$197,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to conduct biennial inspections and certifications of facilities, both overnight and day shelters, that serve those who are under 18 years old and are homeless.

(u) \$848,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to operate emergent placement contracts. The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments.

(v) The appropriations in this section include sufficient funding for the implementation of Second Substitute Senate Bill No. 6453 (kinship caregiver legal support).

(w) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a county-wide nonprofit organization with early childhood expertise in Pierce county for a pilot project that convenes stakeholders to develop and plan an intervention using the help me grow model to prevent child abuse and neglect.

(x) \$692,000 of the general fund—state appropriation for fiscal year 2019 and \$487,000 of the general fund—federal appropriation are provided solely for the department to implement an enhanced rate add-on for providers who increase bed capacity for behavioral rehabilitation services as measured against the provider's average bed capacity as of the first six months of fiscal year 2018. The department must report to the legislature no later than January 1, 2019, on the effect of this enhanced rate add-on on increasing behavioral rehabilitation services bed capacity and rates of placement.

(y) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(z) \$87,000 of the general fund—state appropriation for fiscal year 2019 and \$38,000 of the general fund—state appropriation are provided solely for implementation of Substitute Senate Bill No. 6222 (extended foster care eligibility). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(aa) \$533,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to expand performance-based contracts for family support and related services through network administrators, pursuant to Engrossed Senate Bill No. 6407 (H-5083.2).

(bb)(i) The department of children, youth, and families in collaboration with the office of the superintendent of public instruction, the department of commerce office of homeless youth prevention and protection programs, and the student achievement council must convene a work group with aligned nongovernmental agencies, including a statewide nonprofit coalition that is representative of communities of color and low-income communities focused on educational equity, to create a plan for children and youth in foster care and children and youth experiencing homelessness to facilitate educational equity

with their general student population peers and to close the disparities between racial and ethnic groups by 2027. The work group must:

(A) Review the educational outcomes of children and youth in foster care and children and youth experiencing homelessness, including:

(I) Kindergarten readiness, early grade reading, school stability, high school completion, postsecondary enrollment, and postsecondary completion; and

(II) Disaggregated data by race and ethnicity;

(B) Consider the outcomes, needs, and services for children and youth in foster care and children and youth experiencing homelessness, and the specific needs of children and youth of color and those with special education needs;

(C) Map current education support services, including eligibility, service levels, service providers, outcomes, service coordination, data sharing, and overall successes and challenges;

(D) Engage stakeholders in participating in the analysis and development of recommendations, including foster youth and children and youth experiencing homelessness, foster parents and relative caregivers, birth parents, caseworkers, school districts and educators, early learning providers, postsecondary education advocates, and federally recognized tribes;

(E) Make recommendations for an optimal continuum of education support services to foster and homeless children and youth from preschool to postsecondary education that would provide for shared and sustainable accountability to reach the goal of educational parity, including recommendations to:

(I) Align indicators and outcomes across organizations and programs;

(II) Improve racial and ethnic equity in educational outcomes;

(III) Ensure access to consistent and accurate annual educational outcomes data;

(IV) Address system barriers such as data sharing;

(V) Detail options for governance and oversight to ensure educational services are continually available to foster and homeless children and youth regardless of status;

(VI) Detail a support structure that will ensure that educational records, educational needs, individualized education programs, credits, and other records will follow children and youth when they transition from district to district or another educational program or facility;

(VII) Explore the option of creating a specific statewide school district that supports the needs of and tracks the educational progress of children and youth in foster care and children and youth experiencing homelessness;

(VIII) Identify where opportunities exist to align policy, practices, and supports for students experiencing homelessness and foster students; and

(IX) Outline which recommendations can be implemented using existing resources and regulations and which require policy, administrative, and resource adjustments.

(ii) The work group should seek to develop an optimal continuum of services using research-based program strategies and to provide for prevention, early intervention, and seamless transitions.

(iii) Nothing in this subsection (1)(bb) permits disclosure of confidential information protected from disclosure under federal or state law, including but not limited to information protected under chapter 13.50 RCW. Confidential

information received by the work group retains its confidentiality and may not be further disseminated except as allowed under federal and state law.

(iv) By December 17, 2018, the work group must provide a report to the legislature on its analysis as described under this subsection (1)(bb), the recommended plan, and any legislative and administrative changes needed to facilitate educational equity for children and youth in foster care and children and youth experiencing homelessness with their general student population peers by 2027.

(2) EARLY LEARNING PROGRAM

General Fund—State Appropriation (FY 2019)	(\$126,721,000)	
		\$126,846,000
General Fund—Federal Appropriation	(\$148,179,000)	
		\$149,289,000
Education Legacy Trust Account—State Appropriation	(\$14,192,000)	
		\$14,190,000
Home Visiting Services Account—State Appropriation	(\$3,191,000)	
		\$5,489,000
Home Visiting Services Account—Federal Appropriation	(\$11,708,000)	
		\$11,706,000
WA Opportunity Pathways Account—State Appropriation	\$40,000,000	
<u>Pension Funding Stabilization Account—State Appropriation</u>		\$468,000
TOTAL APPROPRIATION	(\$343,991,000)	\$347,988,000

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

(a) \$67,938,000 of the general fund—state appropriation for fiscal year 2019, \$12,125,000 of the education legacy trust account—state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 13,491 slots in fiscal year 2019.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(c)(i) 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. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department.

(ii)(A) If the department receives additional federal child care and development funding while the legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following priorities:

(I) Increasing child care rates comparable to market rates based on the most recent market survey;

(II) Increasing access to infant and toddler child care;

(III) Increasing access to child care in geographic areas where supply for subsidized child care does not meet the demand;

(IV) Providing nurse consultation services to licensed providers;

(V) Allowing working connections child care consumers who are full-time community or technical college students to attend college full-time and not have to meet work requirements; and

(VI) Meeting new or expanded federal mandates.

(B) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(d)(i) (~~(\$76,650,000)~~ \$78,090,000) of the general fund—federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(A) Families applying for or receiving temporary assistance for needy families (TANF);

(B) TANF families curing sanction;

(C) Foster children;

(D) Families that include a child with special needs;

(E) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(F) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department in the past six months, and has received a referral for child care as part of the family's case management;

(G) Families that received subsidies within the last thirty days and:

(I) Have reapplied for subsidies; and

(II) Have household income of two hundred percent federal poverty level or below; and

(H) All other eligible families.

(ii) The department, in collaboration with the department of social and health services, must submit a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The report must include:

(A) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(B) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(I) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(II) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(III) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(IV) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(V) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans; and

(VI) Consider pursuit of prosecution in cases with fraudulent activity; and

(C) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(iii) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(A) A summary of the number of overpayments that occurred;

(B) The reason for each overpayment;

(C) The total cost of overpayments;

(D) A comparison to overpayments that occurred in the past two preceding fiscal years; and

(E) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(f) \$1,560,000 of the general fund—state appropriation for fiscal year 2019 and \$6,712,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(g) (~~(\$2,522,000)~~) \$4,674,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department.

(h) (~~(\$45,359,000)~~) \$42,706,000 of the general fund—state appropriation for fiscal year 2019 and \$13,954,000 of the general fund—federal appropriation

are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015, 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection (h), \$577,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a six percent base rate increase for child care center providers.

(i) \$1,728,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(j) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(k) \$2,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(l) \$3,445,000 of the general fund—federal appropriation for fiscal year 2019 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(m) 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. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(n)(i)(A) The department is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(B) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(C) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(D) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by March 2018 for the school year ending in 2017.

(ii) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(o) 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.

(p) \$2,651,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Amounts provided in this subsection (p) are contingent upon the enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(i) \$273,000 is for a base rate increase;

(ii) \$55,000 is for increasing paid professional development days from three days to five days;

(iii) \$1,708,000 is for the family child care providers 501(c)(3) organization for the substitute pool, training and quality improvement support services, and administration;

(iv) \$114,000 is for increasing licensing incentive payments; and

(v) \$500,000 is for needs based grants.

(q) \$175,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(r) \$219,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(s) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(t) \$317,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(u) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department, in collaboration with the department of health, to submit a report on child care nurse consultation to the governor and appropriate fiscal and policy committees of the legislature by December 1, 2018. The report must address the following:

(i) Provide background on what nurse consultation services are currently available to licensed child care providers; and

(ii) Provide options and recommendations, including fiscal estimates, for a plan to provide nurse consultation services to licensed child care providers who request assistance in addressing the health and behavioral needs of children in their care.

(v) \$163,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to develop a community-based training module in managing and sustaining a child care business for child care providers and entrepreneurs. To develop the training, the department must consult with the statewide child care resource and referral network, the community and technical college system, and one or more community-based organizations with experience in preparing child care providers for entry into the workforce. By November 1, 2018, the department must offer the training as a pilot in rural Jefferson county and urban Pierce county. The department must report on the results of the pilot to the governor and the legislature by December 1, 2019.

(w) \$74,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2861 (trauma-informed child care). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(x) \$750,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of the expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(y) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to implement Engrossed Second Substitute House Bill No. 2779 (children mental health services). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2019)	(\$50,448,000)
	\$51,709,000
General Fund—Federal Appropriation	\$15,928,000
TOTAL APPROPRIATION	(\$66,376,000)
	\$67,637,000

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

(a) The appropriations provided in this subsection are provided solely for implementation of Engrossed Second Substitute House Bill No. 1661 (child, youth, families department). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(b)(i) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(A) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(B) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(I) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(II) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(III) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(ii) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(iii) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

(c)(i) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to conduct a study, jointly with the office of homeless youth prevention and protection programs within the department of commerce, on the public system response to families and youth in crisis who are seeking services to address family conflict in the absence of child abuse and neglect.

(ii) In conducting the study required under this section, the department and the office shall involve stakeholders involved in advocating and providing services to truants and at-risk youth, and shall consult with local jurisdictions, the Washington administrative office of the courts, and other entities as appropriate. The study shall review the utilization of existing resources such as secure crisis residential centers, crisis residential centers, and HOPE beds and make recommendations to assure effective use or redeployment of these resources.

(iii) The department and office shall develop recommendations to improve the delivery of services to youth and families in conflict which shall include a plan to provide community-based early intervention services as well as intensive interventions for families and youth facing crisis so severe that a youth cannot continue to reside in the home or is at risk of experiencing homelessness. Recommendations may include changes to family reconciliation services, and revisions to the at-risk youth and child in need of services petition processes, including consideration of a combined family in need of services petition process or a civil citation process.

(iv) The department and the office shall jointly submit recommendations required by this section to the governor and the appropriate legislative committees no later than December 15, 2018.

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to support the implementation of the department of children,

youth, and families. The department must submit an expenditure plan to the office of financial management and may expend implementation funds after the approval of the director of the office of financial management.

(e) \$111,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2008 (state services for children). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

**PART III
NATURAL RESOURCES**

Sec. 301. 2017 3rd sp.s. c 1 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2018)	.....	(\$485,000)
		<u>\$468,000</u>
General Fund—State Appropriation (FY 2019)	.....	(\$507,000)
		<u>\$496,000</u>
General Fund—Federal Appropriation	.....	\$32,000
General Fund—Private/Local Appropriation	.....	(\$960,000)
		<u>\$978,000</u>
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>	.....	<u>\$46,000</u>
TOTAL APPROPRIATION	.....	(\$1,984,000)
		<u>\$2,020,000</u>

Sec. 302. 2017 3rd sp.s. c 1 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2018)	.....	(\$20,877,000)
		<u>\$19,735,000</u>
General Fund—State Appropriation (FY 2019)	.....	(\$21,411,000)
		<u>\$22,505,000</u>
General Fund—Federal Appropriation	.....	(\$106,575,000)
		<u>\$106,467,000</u>
General Fund—Private/Local Appropriation	.....	(\$23,028,000)
		<u>\$23,008,000</u>
Reclamation Account—State Appropriation	.....	(\$4,106,000)
		<u>\$4,101,000</u>
Flood Control Assistance Account—State Appropriation	.....	(\$2,175,000)
		<u>\$4,173,000</u>
<u>State Emergency Water Projects Revolving Account—State</u>		
Appropriation	.....	\$40,000
<u>Waste Reduction/Recycling/Litter Control—State</u>		
Appropriation	.....	(\$13,736,000)
		<u>\$14,787,000</u>
State Drought Preparedness Account—State Appropriation	.....	\$204,000
<u>State and Local Improvements Revolving Account (Water</u>		
Supply Facilities)—State Appropriation	.....	\$164,000
Aquatic Algae Control Account—State Appropriation	.....	\$522,000
Water Rights Tracking System Account—State Appropriation	.....	\$47,000

Site Closure Account—State Appropriation	\$582,000
Wood Stove Education and Enforcement Account—State Appropriation	\$560,000
Worker and Community Right-to-Know Account—State Appropriation	(\$1,872,000)
	<u>\$1,869,000</u>
Water Rights Processing Account—State Appropriation	\$39,000
State Toxics Control Account—State Appropriation	(\$147,806,000)
	<u>\$149,327,000</u>
State Toxics Control Account—Private/Local Appropriation	\$499,000
Local Toxics Control Account—State Appropriation	(\$4,845,000)
	<u>\$4,864,000</u>
Water Quality Permit Account—State Appropriation	(\$44,119,000)
	<u>\$44,403,000</u>
Underground Storage Tank Account—State Appropriation	(\$3,635,000)
	<u>\$3,661,000</u>
Biosolids Permit Account—State Appropriation	(\$2,207,000)
	<u>\$2,203,000</u>
Environmental Legacy Stewardship Account—State Appropriation	(\$41,259,000)
	<u>\$41,421,000</u>
Hazardous Waste Assistance Account—State Appropriation	(\$6,466,000)
	<u>\$6,593,000</u>
Radioactive Mixed Waste Account—State Appropriation	(\$18,170,000)
	<u>\$18,425,000</u>
Air Pollution Control Account—State Appropriation	(\$3,437,000)
	<u>\$3,477,000</u>
Oil Spill Prevention Account—State Appropriation	(\$8,469,000)
	<u>\$9,744,000</u>
Air Operating Permit Account—State Appropriation	(\$3,787,000)
	<u>\$3,816,000</u>
Freshwater Aquatic Weeds Account—State Appropriation	(\$1,460,000)
	<u>\$1,459,000</u>
Oil Spill Response Account—State Appropriation	\$7,076,000
<u>Dedicated Marijuana Account—State Appropriation</u> (FY 2019)	\$98,000
<u>Pension Funding Stabilization Account—State</u> <u>Appropriation</u>	<u>\$2,924,000</u>
Water Pollution Control Revolving Administration Account—State Appropriation	(\$3,601,000)
	<u>\$3,595,000</u>
TOTAL APPROPRIATION	(\$492,774,000)
	<u>\$502,388,000</u>

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

(1) \$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))~~ (2) \$15,000,000 of the general fund—state appropriation for fiscal year 2018 and \$15,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for activities within the water resources program.

~~((4))~~ (3) \$228,000 of the general fund—state appropriation for fiscal year 2018 and \$227,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to grant to the northwest straits commission to distribute equally among the seven Puget Sound marine resource committees.

~~((5))~~ (4) Within existing resources, the department of ecology must engage stakeholders in a revision of WSR 13-22-073, rule amendments to chapter 173-350 WAC, to revise the proposed rule and submit a report to the senate local government and energy, environment, and telecommunications committees and the house of representatives local government and environment committees by September 1, 2017. The report must include a summary of areas of consensus and dispute, proposed resolution of disputes, a list of engaged stakeholders, a proposed timeline for potential rule adoption, and the most recent draft of proposed amendment language, if any.

(5) \$180,000 of the general fund—state appropriation for fiscal year 2019, \$44,000 of the waste reduction, recycling and litter control account—state appropriation, \$720,000 of the state toxics control account—state appropriation, \$17,000 of the local toxics control account—state appropriation, \$220,000 of the water quality permit account—state appropriation, \$23,000 of the underground storage tank account—state appropriation, \$132,000 of the environmental legacy stewardship account—state appropriation, \$39,000 of the hazardous waste assistance account—state appropriation, \$86,000 of the radioactive mixed waste account—state appropriation, \$18,000 of the air pollution control account—state appropriation, \$41,000 of the oil spill prevention account—state appropriation, and \$23,000 of the air operating permit account—state appropriation are provided solely for modernizing and migrating the department of ecology's business applications from an agency-based data center to the state data center or a cloud environment and are subject to the conditions, limitations, and review provided in section 724, chapter 1, Laws of 2017 3rd sp. sess.

(6) \$80,000 of the hazardous waste assistance account—state appropriation is provided solely for the implementation of Substitute House Bill No. 2634 (antifouling paints). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$97,000 of the state toxics control account—state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2658 (perfluorinated chemicals). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$42,000 of the general fund—state appropriation for fiscal year 2018 and \$102,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.

(9) \$81,000 of the oil spill prevention account—state appropriation is provided solely for rule-making and other implementation costs of chapter 239, Laws of 2017 (short line railroad).

(10) \$73,000 of the state toxics control account—state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6413 (firefighting/toxic chemicals). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(11) \$1,143,000 of the oil spill prevention account—state appropriation is provided solely for implementing the provisions of Engrossed Second Substitute Senate Bill No. 6269 (strengthening oil transportation safety). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(12) \$190,000 of the general fund—state appropriation for fiscal year 2018, \$1,707,000 of the general fund—state appropriation for fiscal year 2019, and \$2,000,000 of the flood control assistance account—state appropriation are provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091) (water availability).

(13) \$11,000 of the state toxics control account—state appropriation and \$17,000 of the air pollution control account—state appropriation are provided solely for the implementation of Substitute Senate Bill No. 6055 (apple maggot/outdoor burning). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(14) \$14,000 of the state toxics control account—state appropriation and \$13,000 of the water quality permit account—state appropriation are provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(15)(a) \$625,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to address water use in violation of chapter 90.03 or 90.44 RCW in priority watersheds. The legislature recognizes that water use in violation of chapter 90.03 or 90.44 RCW in priority watersheds can impair existing instream flows and senior water rights and supports actions taken by the department to reduce water use in violation of chapter 90.03 or 90.44 RCW. The department shall engage in compliance and enforcement work to ensure compliance with requirements under chapters 90.03 and 90.44 RCW. Funding is authorized to be used for technical assistance, informal enforcement, and formal enforcement actions.

(b) The department shall use funds appropriated under this section to work in water resource inventory areas where: (a) Rules have been adopted under chapters 90.22 or 90.54 RCW; (b) those rules do not specify mitigation requirements for groundwater withdrawals exempt from permitting under RCW 90.44.050; and (c) the department believes water use in violation of chapter 90.03 or 90.44 RCW is negatively impacting streamflows.

(c) The department shall submit a report to the legislature by December 1, 2019, that summarizes the compliance and enforcement work completed in each basin, including the estimated benefit to streamflows occurring from actions taken.

(d) Appropriations under this section should not replace or otherwise impact funds appropriated to the department to carry out duties under RCW 90.03.605 and chapter 90.08 RCW.

(16) \$187,000 of the state toxics control account—state appropriation is provided solely to the department to begin a multiyear study to distinguish the sources of emissions of the toxic air pollutant that poses the greatest cancer risk at the air monitoring station that is located closest to a port in the state with the highest volume of container traffic in domestic and foreign waterborne trade, as measured by the United States bureau of transportation statistics for the most recent year such statistics were available, as of January 1, 2017. The local air pollution control authority may financially contribute to the completion of this study, and the department is encouraged to consult with the local air pollution control authority in designing and implementing this study.

(17) \$98,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for the department to begin conducting research into appropriate protocols and accreditation standards for marijuana testing laboratories. By January 15, 2019, the department must report to the appropriate committees of the legislature with preliminary recommendations regarding laboratory accreditation standards that should be applied to marijuana testing laboratories.

Sec. 303. 2017 3rd sp.s. c 1 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 2018)	.....((\$9,645,000))	<u>\$8,993,000</u>
General Fund—State Appropriation (FY 2019)	.....((\$9,945,000))	<u>\$10,328,000</u>
General Fund—Federal Appropriation	.....((\$6,981,000))	<u>\$6,977,000</u>
Winter Recreation Program Account—State Appropriation	.....((\$3,293,000))	<u>\$3,292,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation	... ((\$232,000))	<u>\$392,000</u>
Snowmobile Account—State Appropriation	.....((\$5,633,000))	<u>\$5,632,000</u>
Aquatic Lands Enhancement Account—State Appropriation	.....\$367,000	
(Outdoor Education and Recreation Account—State		
Appropriation	.....\$1,500,000)	
Recreation Access Pass Account—State Appropriation	.....\$50,000	
Parks Renewal and Stewardship Account—State		
Appropriation	.....((\$124,759,000))	<u>\$124,299,000</u>
Parks Renewal and Stewardship Account—Private/Local		
Appropriation	.....((\$318,000))	<u>\$420,000</u>
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>	.....\$1,498,000	
TOTAL APPROPRIATION	.....((\$162,723,000))	<u>\$162,248,000</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 2018 and \$129,000 of the general fund—state appropriation for fiscal year 2019 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 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$700,000 of the parks renewal and stewardship account—state appropriation is provided solely for the commission to replace 32 existing automated pay stations and to install 38 additional automated pay stations within state parks.

~~(4) (\$500,000 of the outdoor education and recreation account—state appropriation is provided solely for the commission to partner with organizations that have at least one veteran on staff in implementation of the no child left inside program.~~

~~(5))~~ \$50,000 of the recreation access pass account—state appropriation is provided solely for the commission, using its authority under RCW 79A.05.055(3) and in partnership with the department of fish and wildlife and the department of natural resources, to coordinate a process to develop options and recommendations to improve consistency, equity, and simplicity in recreational access fee systems while accounting for the fiscal health and stability of public land management. The process must be collaborative and include other relevant agencies and appropriate stakeholders. The commission must contract with the William D. Ruckelshaus Center or another neutral third party to facilitate meetings and discussions with parties involved in the process and provide a report to the appropriate committees of the legislature by December 1, 2017. The process must analyze and make recommendations on:

(a) Opportunities for federal and state recreational permit fee coordination, including the potential for developing a system that allows a single pass to provide access to federal and state lands;

(b) Opportunities to enhance consistency in the way state and federal recreational access fees apply to various types of recreational users, including those that travel to public lands by motor vehicle, boat, bicycle, foot, or another method; and

(c) Opportunities to develop a comprehensive and consistent statewide approach to recreational fee discounts and exemptions to social and other groups including, but not limited to, disabled persons, seniors, disabled veterans, foster families, low-income residents, and volunteers. This analysis must examine the cost of such a program, and should consider how recreational fee discounts fit into the broader set of benefits provided by the state to these social groups. This includes a review of the efficacy, purpose, and cost of existing recreational fee discounts and exemptions, as well as opportunities for new or modified social group discounts and exemptions. The department of veterans affairs and the department of social and health services must be included in this portion of the process.

(5) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the commission to carry out forest health related activities at the Squilchuck state park.

Sec. 304. 2017 3rd sp.s. c 1 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund—State Appropriation (FY 2018)	(\$1,441,000)	
		<u>\$1,401,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,398,000)	
		<u>\$1,483,000</u>
General Fund—Federal Appropriation	(\$3,646,000)	
		<u>\$3,642,000</u>
General Fund—Private/Local Appropriation	\$24,000	
Aquatic Lands Enhancement Account—State Appropriation	(\$495,000)	
		<u>\$494,000</u>
Firearms Range Account—State Appropriation	\$37,000	
Recreation Resources Account—State Appropriation	(\$3,615,000)	
		<u>\$3,610,000</u>
NOVA Program Account—State Appropriation	(\$1,054,000)	
		<u>\$1,052,000</u>
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation.....</u>		<u>\$80,000</u>
TOTAL APPROPRIATION	(\$11,710,000)	
		<u>\$11,823,000</u>

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

(1) \$156,000 of the general fund—state appropriation for fiscal year 2018 and \$156,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the board to grant to the Nisqually River Foundation for implementation of the Nisqually watershed stewardship plan.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2018 and \$375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the salmon recovery funding board to grant to the Hood Canal coordinating council for the sole purpose of conducting an ecosystem impact assessment on the Hood Canal. The assessment is to study any causal relationship between the Hood Canal bridge and migrating steelhead and salmon. The board shall amend the grant to specify that all assessment activities conducted as a result of this subsection must be coordinated with the United States Navy.

(3) \$125,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the board to conduct or contract for a study of the economic and health benefits of trail-based activities, including hiking, walking, and bicycling. The information gathered will assist in decision-making regarding the allocation of dedicated resources and investment in Washington's trail networks. Additionally, the information will aid in increasing and leveraging economic benefits in the development of public-private partnerships aimed at stewardship and growth connected to Washington's trail networks. The study may include, but is not limited to, analysis of the number of people in the state who hike, bike, and walk annually, economic contribution, environmental and social benefits, and mental and physical health outcomes. The study may also include regional case studies. As appropriate, the analysis must incorporate data from the state

comprehensive outdoor recreation plan and federal initiatives to integrate outdoor recreation into GDP accounting. To allow for a collaborative process, the board must create an advisory committee of appropriate agencies and stakeholders, including hiking and bicycling groups. The board must report the results of the study to the appropriate fiscal and policy committees of the legislature by October 1, 2019.

Sec. 305. 2017 3rd sp.s. c 1 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

General Fund—State Appropriation (FY 2018)	.....((\$2,318,000))	\$2,190,000
General Fund—State Appropriation (FY 2019)	.....((\$2,375,000))	\$2,245,000
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>		\$255,000
TOTAL APPROPRIATION	.....((\$4,693,000))	\$4,690,000

Sec. 306. 2017 3rd sp.s. c 1 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2018)	.....((\$7,301,000))	\$7,074,000
General Fund—State Appropriation (FY 2019)	.....((\$7,264,000))	\$7,329,000
General Fund—Federal Appropriation	.....	\$2,301,000
Public Works Assistance Account—State Appropriation	.....((\$7,620,000))	\$7,619,000
State Toxics Control Account—State Appropriation	.....	\$1,000,000
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>		\$254,000
TOTAL APPROPRIATION	.....((\$25,486,000))	\$25,577,000

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

(1) \$7,602,000 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.

(2)(a) \$50,000 of the general fund—state appropriation for fiscal year 2018 ((is)) and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the commission to convene and facilitate a food policy forum. The director of the commission is responsible for appointing participating members of the food policy forum in consultation with the director of the department of agriculture. In making appointments, the director of the commission must attempt to ensure a diversity of knowledge, experience, and perspectives by building on the representation established by the food system roundtable initiated by executive order No. 10-02.

(b) In addition to members appointed by the director of the state conservation commission, four legislators may serve on the food policy forum in an ex officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(c) The commission shall coordinate with the office of farmland preservation and the department of agriculture to avoid duplication of effort. The commission must report to the appropriate committees of the legislature, consistent with RCW 43.01.036, with the forum's recommendations by ~~((October 31, 2018))~~ June 30, 2019.

(3) ~~(((\$375,000))~~ \$275,000 of the general fund—state appropriation for fiscal year 2018 and ~~(((\$375,000))~~ \$475,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants and technical assistance. Of the amounts provided in this subsection, ~~(((\$125,000 in each fiscal year is))~~ \$25,000 in fiscal year 2018 and \$225,000 in fiscal year 2019 are provided solely for activities related to water quality improvements and fecal coliform DNA speciation statewide.

*Sec. 307. 2017 3rd sp.s. c 1 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

<i>General Fund—State Appropriation (FY 2018)</i>	(((\$46,860,000))	<u>\$45,121,000</u>
General Fund—State Appropriation (FY 2019)	(((\$46,483,000))	<u>\$47,569,000</u>
General Fund—Federal Appropriation	(((\$118,809,000))	<u>\$130,365,000</u>
General Fund—Private/Local Appropriation	(((\$63,920,000))	<u>\$63,918,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation ...	(((\$437,000))	<u>\$699,000</u>
Aquatic Lands Enhancement Account—State Appropriation	(((\$10,460,000))	<u>\$10,423,000</u>
Recreational Fisheries Enhancement—State Appropriation	(((\$3,084,000))	<u>\$3,118,000</u>
Warm Water Game Fish Account—State Appropriation	(((\$2,773,000))	<u>\$2,660,000</u>
Eastern Washington Pheasant Enhancement Account—State Appropriation		\$675,000
State Wildlife Account—State Appropriation	(((\$118,033,000))	<u>\$117,751,000</u>
Special Wildlife Account—State Appropriation	(((\$71,000))	<u>\$3,234,000</u>
Special Wildlife Account—Federal Appropriation		\$505,000
Special Wildlife Account—Private/Local Appropriation	(((\$3,576,000))	<u>\$3,573,000</u>

Wildlife Rehabilitation Account—State Appropriation	\$361,000
Ballast Water <u>and Biofouling</u> Management Account—State Appropriation.	\$10,000
Hydraulic Project Approval Account—State Appropriation	(\$690,000)
	<u>\$29,000</u>
Environmental Legacy Stewardship Account—State Appropriation	(\$2,765,000)
	<u>\$2,763,000</u>
Regional Fisheries Enhancement Salmonid Recovery Account— Federal Appropriation	\$5,001,000
Oil Spill Prevention Account—State Appropriation	(\$1,122,000)
	<u>\$1,120,000</u>
<u>Pension Funding Stabilization Account—State</u> <u>Appropriation.</u>	<u>\$5,178,000</u>
Oyster Reserve Land Account—State Appropriation	\$527,000
Performance Audits of Government Account—State Appropriation.	\$325,000
Aquatic Invasive Species Management Account—State Appropriation.	(\$1,658,000)
	<u>\$1,656,000</u>
TOTAL APPROPRIATION	(\$428,145,000)
	<u>\$446,581,000</u>

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

(1) ~~(\$467,000)~~ \$67,000 of the general fund—state appropriation for fiscal year 2018 and \$467,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(2) ~~(\$1,098,000)~~ \$1,109,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$1,098,000)~~ \$1,109,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for payments in lieu of real property taxes to counties that elect to receive the payments for department-owned game lands within the county.

(3) \$415,000 of the general fund—state appropriation for fiscal year 2018, \$415,000 of the general fund—state appropriation for fiscal year 2019, and \$440,000 of the general fund—federal appropriation are provided solely for county assessments.

(4) Prior to submitting its 2019-2021 biennial operating and capital budget requests related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review the proposed requests. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost-effective manner. The department shall provide a copy of the HSRG review to the office of financial management with its agency budget proposal.

(5) \$400,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 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. Prior to implementation of any Puget Sound nearshore ecosystem restoration projects in Whatcom county, the department must consult with and seek, to the maximum extent practicable, consensus on those projects among appropriate landowners, federally recognized Indian tribes, agencies, and community and interest groups.

(6) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(7) \$525,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$425,000)~~ \$525,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for training for a work unit to engage and empower diverse stakeholders in decisions about fish and wildlife, ~~(and)~~ the continued conflict transformation with the wolf advisory group, and for cost share partnerships with livestock owners and the use of range riders to reduce the potential for depredation of livestock from wolves. The department shall cooperate with the department of agriculture to shift the responsibility of implementing cost-sharing contracts with livestock producers to use nonlethal actions to minimize livestock loss from wolves and other carnivores to the department of agriculture.

(8) \$1,259,000 of the state wildlife account—state appropriation is provided solely for the fish program, including implementation of Substitute House Bill No. 1597 (commercial fishing). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(9) \$1,630,000 of the aquatic invasive species management account, \$600,000 of the general fund—federal appropriation, \$62,000 of the state wildlife account—state appropriation, and \$10,000 of the ballast water and biofouling management account—state appropriation are provided solely for activities related to aquatic invasive species, including implementation of Substitute House Bill No. 1429 or Substitute Senate Bill No. 5303 (aquatic invasive species). If neither bill is enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(10) Within amounts provided in this section, the department must consult with affected tribes and landowners in Skagit county to develop and implement a plan designed to address elk-related agricultural damage and vehicular collisions by using all available and appropriate methods including, but not limited to, cooperative fencing projects and harvest in order to minimize elk numbers on private lands and maximize the number of elk located on state and federal lands. The plan must be implemented by September 1, 2018.

(11) Within the appropriations of this section, the department shall initiate outreach with recreational fishing stakeholders so that recreational fishing guide and non-guided angler data can be collected and analyzed to evaluate changes in the structure of guide licensing, with the objectives of: (a) Improving the fishing experience and ensuring equitable opportunity for both guided and non-guided river anglers, (b) managing fishing pressure to protect wild steelhead and other

species; and (c) ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies. The department shall convene public meetings in the North Olympic Peninsula and Klickitat River areas, and may include other areas of the state, and shall provide the appropriate standing committees of the legislature a summary of its findings, by December 31, 2017.

(12) (~~(\$450,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups.~~

~~(13))~~(a) \$5,500,000 of the general fund—state appropriation for fiscal year 2018, \$5,500,000 of the general fund—state appropriation for fiscal year 2019, and \$325,000 of the performance audits of government account—state appropriation are provided solely as one-time funding to support the department in response to its budget shortfall. Of the amounts provided in this subsection, \$450,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to grant to the regional fisheries enhancement groups. In order to address this shortfall on a long-term basis, the department must develop a plan for balancing projected revenue and expenditures and improving the efficiency and effectiveness of agency operations, including:

(i) Expenditure reduction options that maximize administrative and organizational efficiencies and savings, while avoiding hatchery closures and minimizing impacts to fisheries and hunting opportunities; and

(ii) Additional revenue options and an associated outreach plan designed to ensure that the public, stakeholders, the commission, and legislators have the opportunity to understand and impact the design of the revenue options.

(iii) The range of options created under (a)(i) and (ii) of this subsection must be prioritized by impact on achieving financial stability, impact on the public and fisheries and hunting opportunities, and on timeliness and ability to achieve intended outcomes.

(b) In consultation with the office of financial management, the department must consult with an outside management consultant to evaluate and implement efficiencies to the agency's operations and management practices. Specific areas of evaluation must include:

(i) Potential inconsistencies and increased costs associated with the decentralized nature of organizational authority and operations;

(ii) The department's budgeting and accounting processes, including work done at the central, program, and region levels, with specific focus on efficiencies to be gained by centralized budget control;

(iii) Executive management, program management, and regional management structures, specifically addressing accountability.

(c) In carrying out these planning requirements, the department must provide quarterly updates to the commission, office of financial management, and appropriate legislative committees. The department must provide a final summary of its process and plan by (~~May~~) September 1, 2018.

(d) The department, in cooperation with the office of financial management shall conduct a zero-based budget review of its operating budget and activities to be submitted with the department's 2019-2021 biennial budget submittal.

Information and analysis submitted by the department for the zero-based review under this subsection shall include:

(i) A statement of the statutory basis or other basis for the creation of each program and the history of each program that is being reviewed;

(ii) A description of how each program fits within the strategic plan and goals of the agency and an analysis of the quantified objectives of each program within the agency;

(iii) Any available performance measures indicating the effectiveness and efficiency of each program;

(iv) A description with supporting cost and staffing data of each program and the populations served by each program, and the level of funding and staff required to accomplish the goals of the program if different than the actual maintenance level;

(v) An analysis of the major costs and benefits of operating each program and the rationale for specific expenditure and staffing levels;

(vi) An analysis estimating each program's administrative and other overhead costs;

(vii) An analysis of the levels of services provided; and

(viii) An analysis estimating the amount of funds or benefits that actually reach the intended recipients.

(13) \$580,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091) (water availability).

(14) \$76,000 of the general fund—state appropriation for fiscal year 2018 and \$472,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to increase enforcement of vessel traffic near orca whales, especially commercial and recreational whale watchers and shipping, and to reduce underwater noise levels that interfere with feeding and communication. While the patrol focus is to be on orca whale protection when the animals are present, nothing prohibits responses to emergent public safety or in-progress poaching incidents. In the event that orca whales are not present in marine waters of Puget Sound, emphasis will be placed on patrols that protect living marine resources in northern Puget Sound.

(15) \$837,000 of the general fund—state appropriation for fiscal year 2019 is appropriated for the department to increase hatchery production of key prey species fish throughout the Puget Sound, coast, and Columbia river. The department shall work with the governor, federal partners, tribal co-managers, the hatchery scientific review group, and other interested parties to develop a biennial hatchery production plan by December 31, 2018, that will: (a) Identify, within hatchery standards and endangered species act constraints, hatchery programs and specific facilities to contribute to the dietary needs of orca whales; (b) consider prey species preferences and migratory patterns of orca whales; and (c) include adaptive management provisions to ensure the conservation and enhancement of wild stocks. The final plan will be reviewed by the hatchery scientific review group and submitted to the appropriate committees of the legislature by December 31, 2018.

(16) \$115,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for an interagency agreement with the office of financial

management for facilitation services and support the governor's efforts to develop a long-term action plan for orca whale recovery.

(17) \$55,000 of the state wildlife account—state appropriation is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6127 (halibut fishery). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(18) \$65,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(19) \$183,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to evaluate translocation as a management tool to advance the recovery of wolves using the state environmental policy act (SEPA) process. The department shall provide a report to the legislature outlining the results of the SEPA process no later than December 31, 2019.

(20) \$373,000 of the general fund—state appropriation for fiscal year 2018 and \$417,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to complete the third and final phase of the Puget Sound steelhead research project.

(21) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to add a veterinarian, microbiologist, and make laboratory upgrades to ensure the hatchery program complies with recent changes in water quality and health laws.

(22) \$400,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for restoration costs that are a result of wildfire damage.

(23) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to implement and enforce chapter 2, Laws of 2016 (Initiative Measure No. 1401).

(24) The department must ensure the following actions occur prior to initiating construction of the Buckmire slough project:

(a) The department shall engage with hunters and other stakeholders to consider alternative project designs that balance the multiple recreational uses and species habitat needs at the wildlife area;

(b) The department shall quantify potential habitat and recreational hunting loss associated with the project, and will work with stakeholders and interested members of the public to develop strategies for mitigating those losses; and

(c) Where necessary, the department shall make payments to all public and private entities that contributed to the purchase of the unit's 540 acres of waterfowl habitat, in amounts that are required by the funding entity.

**Sec. 307 was partially vetoed. See message at end of chapter.*

***Sec. 308.** 2017 3rd sp. s. c 1 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2018)	.....((\$48,463,000))
	<u>\$74,728,000</u>
General Fund—State Appropriation (FY 2019)	.....((\$48,264,000))
	<u>\$49,316,000</u>

General Fund—Federal Appropriation	(((\$27,329,000))
	<u>\$36,496,000</u>
General Fund—Private/Local Appropriation	(((\$2,372,000))
	<u>\$3,230,000</u>
Forest Development Account—State Appropriation	(((\$56,643,000))
	<u>\$50,122,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation	(((\$8,449,000))
	<u>\$7,843,000</u>
Surveys and Maps Account—State Appropriation	(((\$3,462,000))
	<u>\$2,479,000</u>
Aquatic Lands Enhancement Account—State Appropriation	(((\$13,262,000))
	<u>\$16,188,000</u>
Resources Management Cost Account—State Appropriation	(((\$121,559,000))
	<u>\$121,520,000</u>
Surface Mining Reclamation Account—State Appropriation	(((\$4,130,000))
	<u>\$4,122,000</u>
Disaster Response Account—State Appropriation	\$23,076,000
Forest and Fish Support Account—State Appropriation	(((\$12,790,000))
	<u>\$12,789,000</u>
Aquatic Land Dredged Material Disposal Site Account—State Appropriation	\$400,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation	(((\$34,000))
	<u>\$232,000</u>
State Toxics Control Account—State Appropriation	(((\$10,705,000))
	<u>\$10,709,000</u>
Forest Practices Application Account—State Appropriation	(((\$2,158,000))
	<u>\$1,896,000</u>
Air Pollution Control Account—State Appropriation	(((\$872,000))
	<u>\$870,000</u>
NOVA Program Account—State Appropriation	(((\$734,000))
	<u>\$733,000</u>
<u>Pension Funding Stabilization Account—State</u> <u>Appropriation</u>	<u>\$3,239,000</u>
Derelict Vessel Removal Account—State Appropriation	(((\$1,946,000))
	<u>\$1,945,000</u>
Community Forest Trust Account—State Appropriation	\$52,000
Agricultural College Trust Management Account—State Appropriation	(((\$3,056,000))
	<u>\$3,055,000</u>
TOTAL APPROPRIATION	(((\$389,756,000))
	<u>\$425,040,000</u>

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

(1) \$1,420,000 of the general fund—state appropriation for fiscal year 2018 and \$1,352,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) (~~(\$16,546,000)~~) \$44,455,000 of the general fund—state appropriation for fiscal year 2018, \$16,546,000 of the general fund—state appropriation for fiscal year 2019, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. The general fund—state appropriations provided in this subsection may not be used to fund the department's indirect and administrative expenses. The department's indirect and administrative costs shall be allocated among its remaining accounts and appropriations.

(3) \$5,000,000 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. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$1,640,000 of the general fund—state appropriation for fiscal year 2018 and \$1,640,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. For new or amended forest practices rules adopted or new or amended board manual provisions approved under chapter 76.09 RCW, the forest practices board shall also report on its evaluation of the scientific basis for the rule or board manual provisions including a technical assessment of the value-added benefits for aquatic resources and the corresponding economic impact to the regulated community from the rule or board manual. The report shall be provided to the appropriate committees of the legislature by November 1, 2018.

(5) \$147,000 of the general fund—state appropriation for fiscal year 2018 and \$147,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 280, Laws of 2017 (ESHB 2010) (homelessness/wildfire areas), including local capacity for wildfire suppression in any county located east of the crest of the Cascade mountain range that shares a common border with Canada and has a population of one hundred thousand or

fewer. The funding provided in this subsection must be provided to these counties for radio communication equipment, or to fire protection service providers within these counties for residential wildfire risk reduction activities, including education and outreach, technical assistance, fuel mitigation, and other residential risk reduction measures. For the purposes of this subsection, fire protection service providers include fire departments, fire districts, emergency management services, and regional fire protection service authorities. The department must prioritize funding to counties authorized in this subsection, and fire protection service providers within those counties that serve a disproportionately higher percentage of low-income residents as defined in RCW 84.36.042, that are located in areas of higher wildfire risk, and whose fire protection service providers have a shortage of reliable equipment and resources. Of the amount provided in this subsection, \$7,000 per fiscal year is provided for department administration costs.

(6) Sufficient funding is provided in this section and the capital appropriations act to implement chapter 248, Laws of 2017 (E2SHB 1711) (forest health treatments).

(7) \$211,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 319, Laws of 2017 (ESSB 5198) (fire retardant use). The department shall study and report on the types and efficacy of fire retardants used in fire suppression activities, their potential impact on human health and natural resources, and make recommendations to the legislature by December 31, 2017.

(8) \$505,000 of the general fund—state appropriation for fiscal year 2018 and \$486,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 95, Laws of 2017 (2SSB 5546) (forest health treatment assessment). The department shall establish a forest health assessment and treatment framework that consists of biennial forest health assessments, treatments, and progress review and reporting.

(9) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for continued facilitation and support services for the marine resources advisory council.

(10) \$250,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.

(11) \$406,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Teanaway community forest operations management costs, such as management plan oversight and forest health.

(12) \$150,000 of the state toxics control account—state appropriation is provided solely for the department to meet its obligations as a potentially liable party under the Washington model toxics control act at Whitmarsh landfill and the east waterway site.

(13) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for conducting an aerial survey of the Washington coast forests to monitor the occurrence and spread of Swiss needle cast disease.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to grant to the University of Washington, Olympic natural resources center to develop a plan to mitigate the effects of Swiss needle cast disease on douglas fir tree species.

(15) Within existing resources, the department, in collaboration with the emergency management division of the military department, must develop agreements with other state agencies to recruit state employees to voluntarily participate in the wildfire suppression program. Other agency staff are eligible to receive training, fire gear, and any other necessary items to be ready for deployment to fight wildfires when called. The department shall cover agency staff costs directly or through reimbursement and must submit a request for an appropriation in the next legislative session to fulfill this requirement. The department must provide a report detailing the opportunities, challenges, and recommendations for increasing state employee voluntary participation in the wildfire suppression program to the appropriate committees of the legislature by December 1, 2017.

(16) \$160,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementing the provisions of Engrossed Substitute Senate Bill No. 6109 (wildland urban interface). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(17) \$42,000 of the forest development account—state appropriation, \$56,000 of the resources management cost account—state appropriation, and \$2,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2285 (marbled murrelet reports). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(18) \$6,000 of the forest development account—state appropriation, \$36,000 of the resources management cost account—state appropriation, and \$1,000 of the agricultural college trust management account—state appropriation are provided solely for the implementation of Third Substitute House Bill No. 2382 (surplus public property). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(19) \$57,000 of the general fund—state appropriation for fiscal year 2018 and \$136,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Substitute House Bill No. 2561 (wildland fire advisory committee). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(20) \$403,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of House Bill No. 2733 (prescribed burn certificate program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$873,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to the department to provide to the Kittitas county fire district seven as matching funds for a federal staffing for adequate fire and emergency response (SAFER) grant.

(22) \$380,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for one full-time natural resource scientist, one full-time information technology specialist, and related support costs dedicated to earthquake and tsunami hazards. Duties for these positions include, but are not

limited to, developing inventories, maps, evacuation routes, educational materials, databases, and other activities that increase preparedness for earthquakes and tsunamis.

(23) \$37,000 of the aquatic lands enhancement account—state appropriation and \$37,000 of the resources management cost account—state appropriation are provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(24) \$25,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to enhance the department's efforts to develop and submit a proposed amendment to the 1997 Washington state trust lands habitat conservation plan for a marbled murrelet long-term conservation strategy. In meeting the department's legal and fiduciary obligations to beneficiaries of state lands and state forestlands, the proposed amendment shall be consistent with the requirements of the 1997 state lands habitat conservation plan, the associated implementation agreement and incidental take permit, and the federal endangered species act.

(25) \$198,000 of the natural resources conservation areas stewardship account—state appropriation is provided solely for weed control and maintenance of public access at natural areas.

**Sec. 308 was partially vetoed. See message at end of chapter.*

Sec. 309. 2017 3rd sp.s. c 1 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation (FY 2018)	.....((\$17,281,000))
	\$16,888,000
General Fund—State Appropriation (FY 2019)	.....((\$17,525,000))
	\$17,465,000
General Fund—Federal Appropriation	.....((\$31,424,000))
	\$32,134,000
General Fund—Private/Local Appropriation	..... \$193,000
Aquatic Lands Enhancement Account—State Appropriation	.....((\$2,565,000))
	\$2,563,000
State Toxics Control Account—State Appropriation	.....((\$5,534,000))
	\$6,066,000
Water Quality Permit Account—State Appropriation	..... \$73,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	..... \$1,041,000
TOTAL APPROPRIATION	.....((\$74,595,000))
	\$76,423,000

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

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2018 and \$6,102,905 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) 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 that are 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, 2018, and February 1, 2019. 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.

(3) \$132,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to fund an aquaculture coordinator. The aquaculture coordinator will work with shellfish growers and federal, state, and local governments to improve the efficiency and effectiveness of shellfish farm permitting. Many of those improvements will come directly from the shellfish interagency permitting team recommendations.

(4) \$14,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementing Substitute Senate Bill No. 6055 (apple maggot/outdoor burning). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$2,000 of the general fund—state appropriation for fiscal year 2018 and \$18,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 1, Laws of 2018 (ESSB 6091) (water availability).

(6) \$144,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the implementation of Second Engrossed Substitute House Bill No. 1508 (student meals and nutrition). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(7) \$1,000 of the general fund—state appropriation for fiscal year 2018 and \$6,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

(8) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the industrial hemp research pilot program. Expenditures shall be prioritized for processing licenses and expanding the industrial hemp market.

(9) \$534,000 of the state toxics control account—state appropriation is provided solely for a monitoring program to study the impacts of the use of imidacloprid as a means to control burrowing shrimp and related costs. Department costs include, but are not limited to, oversight and participation on a technical advisory committee, technical assistance, planning, and reporting activities. The department may also use the funding provided in this subsection, as needed, for payments to Washington State University, the United States department of agriculture, and outside consultants for their participation in the monitoring program and technical advisory committee. The department must report to the appropriate committees of the legislature by June 1, 2019, on the progress of the monitoring program.

(10) \$80,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the department to provide to the sheriff's departments of

Ferry county and Stevens county to cooperate with the department and the department of fish and wildlife on wolf management activities. Of the amount provided in this subsection, \$40,000 is for the Ferry county sheriff's department and \$40,000 is for the Stevens county sheriff's department.

Sec. 310. 2017 3rd sp.s. c 1 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM

Pollution Liability Insurance Agency Underground

Storage Tank Revolving Account—State
Appropriation ((~~\$10,000~~))
\$90,000

Pollution Liability Insurance Program Trust Account—State

Appropriation ((~~\$1,338,000~~))
\$1,340,000

TOTAL APPROPRIATION ((~~\$1,348,000~~))
\$1,430,000

Sec. 311. 2017 3rd sp.s. c 1 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund—State Appropriation (FY 2018) ((~~\$2,922,000~~))
\$2,783,000

General Fund—State Appropriation (FY 2019) ((~~\$2,668,000~~))
\$2,526,000

General Fund—Federal Appropriation ((~~\$8,102,000~~))
\$10,334,000

Aquatic Lands Enhancement Account—State

Appropriation ((~~\$1,420,000~~))
\$1,419,000

State Toxics Control Account—State Appropriation \$721,000

Pension Funding Stabilization Account—State

Appropriation \$277,000
TOTAL APPROPRIATION ((~~\$15,833,000~~))
\$18,060,000

The appropriations in this section are subject to the following conditions and limitations: By October 15, 2018, the Puget Sound partnership shall provide the governor a single, prioritized list of state agency 2019-2021 capital and operating budget requests related to Puget Sound restoration.

**PART IV
TRANSPORTATION**

Sec. 401. 2017 3rd sp.s. c 1 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2018) ((~~\$1,460,000~~))
\$1,688,000

General Fund—State Appropriation (FY 2019) ((~~\$1,530,000~~))
\$2,145,000

Architects' License Account—State Appropriation	(\$995,000)
	<u>\$1,203,000</u>
Professional Engineers' Account—State Appropriation	(\$3,922,000)
	<u>\$3,926,000</u>
Real Estate Commission Account—State Appropriation	(\$11,045,000)
	<u>\$11,547,000</u>
Uniform Commercial Code Account—State Appropriation	(\$3,448,000)
	<u>\$3,469,000</u>
Real Estate Education Program Account—State Appropriation	\$276,000
Real Estate Appraiser Commission Account—State Appropriation.	\$1,870,000
Business and Professions Account—State Appropriation	(\$19,302,000)
	<u>\$21,985,000</u>
Real Estate Research Account—State Appropriation	\$415,000
<u>Landscape Architects' License Account—State</u>	<u>\$4,000</u>
Geologists' Account—State Appropriation	\$53,000
Derelict Vessel Removal Account—State Appropriation.	\$33,000
CPL Renewal Notification Account—State Appropriation	\$183,000
Firearms Range Account—State Appropriation.	\$75,000
<u>Pension Funding Stabilization Account—State Appropriation.</u>	<u>\$95,000</u>
TOTAL APPROPRIATION	(\$44,607,000)
	<u>\$48,967,000</u>

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

(1) \$105,000 of the business and professions account appropriation is provided solely to implement chapter 46, Laws of 2017 (SHB 1420) (theatrical wrestling).

(2) \$183,000 of the concealed pistol license renewal notification account appropriation and \$75,000 of the firearms range account appropriation are provided solely to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol license) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices).

(3) \$198,000 of the general fund—state appropriation for fiscal year 2018 and \$11,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for costs related to sending notices to persons to encourage the renewal of vessel registrations.

(4) \$32,000 of the general fund—state appropriation for fiscal year 2018 and \$32,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the department of licensing to issue identicards to youths released from juvenile rehabilitation facilities.

(5) The appropriations in this section include sufficient funding for the implementation of Third Substitute House Bill No. 1169 (student loan assistance).

(6) \$60,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to implement Senate Bill No. 6298 (domestic violence

harassment/firearms). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(7) \$265,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 402. 2017 3rd sp.s. c 1 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund—State Appropriation (FY 2018)	.....((\$44,994,000)
	<u>\$43,800,000</u>
General Fund—State Appropriation (FY 2019)	.....((\$45,986,000)
	<u>\$46,662,000</u>
General Fund—Federal Appropriation	.....((\$16,260,000)
	<u>\$16,255,000</u>
General Fund—Private/Local Appropriation	..... \$3,085,000
Death Investigations Account—State Appropriation	.....((\$7,087,000)
	<u>\$8,207,000</u>
County Criminal Justice Assistance Account—State	
Appropriation	.....((\$3,755,000)
	<u>\$3,752,000</u>
Municipal Criminal Justice Assistance Account—State	
Appropriation	.....((\$1,521,000)
	<u>\$1,520,000</u>
Fire Service Trust Account—State Appropriation	..... \$131,000
Vehicle License Fraud Account—State Appropriation	..... \$110,000
Disaster Response Account—State Appropriation	.....((\$8,000,000)
	<u>\$12,400,000</u>
Fire Service Training Account—State Appropriation	.....((\$11,126,000)
	<u>\$11,121,000</u>
Aquatic Invasive Species Management Account—State	
Appropriation	..... \$54,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	..... <u>\$3,295,000</u>
State Toxics Control Account—State Appropriation	..... ((\$549,000)
	<u>\$548,000</u>
Fingerprint Identification Account—State	
Appropriation	.....((\$15,768,000)
	<u>\$15,745,000</u>
<u>Dedicated Marijuana Account—State Appropriation</u>	
<u>(FY 2019)</u>	..... <u>\$2,803,000</u>
TOTAL APPROPRIATION	.....((\$158,426,000)
	<u>\$169,488,000</u>

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

(1) \$270,000 of the fire service training account—state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in

accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) (~~(\$8,000,000)~~) \$12,400,000 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.

(3) \$700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(4) \$41,000 of the general fund—state appropriation for fiscal year 2018 and \$41,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 272, Laws of 2017 (E2SHB 1163) (domestic violence).

(5) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$116,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 261, Laws of 2017 (SHB 1501) (attempts to obtain firearms).

(6) \$104,000 of the general fund—state appropriation for fiscal year 2018 and \$90,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 308, Laws of 2017 (SHB 1863) (fire incident reporting system).

(7) \$3,421,000 of the fingerprint identification account—state appropriation is provided solely for the completion of the state patrol's plan to upgrade the criminal history system, and is subject to the conditions, limitations, and review provided in section 724 of this act.

(8) \$1,039,000 of the fingerprint identification account—state appropriation is provided solely for the implementation of a sexual assault kit tracking database project and is subject to the conditions, limitations, and review provided in section 724 of this act.

(9) \$495,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the costs related to the 1995 king air maintenance. By June 30, 2019, the state patrol is directed to sell the 1983 king air and proceeds generated from the sale of the 1983 king air must be deposited into the state patrol highway account.

(10) \$2,803,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 is provided solely for the Washington state patrol to create a new drug enforcement task force for the purposes of controlling the potential diversion and illicit production or distribution of marijuana and marijuana-related products in Washington.

(11) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state patrol to coordinate with the governor's office of Indian affairs, federally recognized tribal governments, and the U.S. justice department to conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native American women in the state.

(12) The amounts in this subsection are provided solely for implementing the recommendations of the joint legislative task force on sexual assault forensic examination, and for monitoring and testing untested sexual assault examination kits.

(a) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the state patrol to:

(i) Work in conjunction with state or nonstate entities to test sexual assault kits pursuant to RCW 43.43.545;

(ii) Conduct forensic analysis of sexual assault examination kits in the custody of the state patrol pursuant to chapter 247, Laws of 2015; and

(ii) Continue the task force.

(b) \$1,375,000 of the general fund—state appropriation for fiscal year 2018 and \$1,375,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 247, Laws of 2015 to address the state's backlog in sexual assault examination kits. The seven full-time employees funded under this subsection must work exclusively on processing sexual assault exam kits through the crime laboratory division.

(c) Within amounts provided in this section, the Washington state patrol shall adopt rules necessary to implement RCW 43.43.545.

**PART V
EDUCATION**

*Sec. 501. 2017 3rd sp.s. c 1 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State Appropriation (FY 2018)	.....((\$49,844,000))
	<u>\$46,525,000</u>
General Fund—State Appropriation (FY 2019)	.....((\$47,888,000))
	<u>\$58,392,000</u>
General Fund—Federal Appropriation	.....((\$68,460,000))
	<u>\$83,422,000</u>
General Fund—Private/Local Appropriation	.....((\$8,051,000))
	<u>\$8,049,000</u>
Washington Opportunity Pathways Account—State Appropriation	.....\$584,000
Dedicated Marijuana Account—State Appropriation (FY 2018)	.....\$513,000
Dedicated Marijuana Account—State Appropriation (FY 2019)	.....((\$516,000))
	<u>\$515,000</u>
Performance Audits of Government Account—State Appropriation	.....\$211,000
<u>Pension Funding Stabilization Account—State Appropriation.</u>	<u>.....\$2,126,000</u>
TOTAL APPROPRIATION	.....((\$176,067,000))
	<u>\$200,337,000</u>

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

(1) (~~(\$10,437,000)~~) \$9,612,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$11,112,000)~~) \$10,236,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(a) 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.

(b) 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.

(c) By September of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in sections 501 and 513 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.

(d) 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.

(e) Districts shall annually report to the office of the superintendent of public instruction on: (i) 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 (ii) 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.

(2) (~~(\$3,857,000)~~) \$1,423,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$3,857,000)~~) \$5,598,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for activities associated with the implementation of House Bill No. 2242 (fully funding the program of basic education). Of these amounts:

(a) \$857,000 of the general fund—state appropriation for fiscal year 2018 and \$857,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for maintenance of the apportionment system;

(b) \$566,000 of the general fund—state appropriation for fiscal year 2018 and \$3,741,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for activities associated with the implementation of House Bill No. 2242 (fully funding the program of basic education); and

(c) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to review the use of local revenues for compliance with enrichment requirements, including the preballot approval of enrichment levy spending plans approved by

the superintendent of public instruction, and any supplemental contracts entered into under RCW 28A.400.200.

(3)(a) \$911,000 of the general fund—state appropriation for fiscal year 2018 and \$911,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(b) \$322,000 of the Washington opportunity pathways account—state appropriation is provided solely for the state board of education to provide assistance to public schools other than common schools authorized under chapter 28A.710 RCW.

(4) \$3,512,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$3,512,000)~~ \$3,762,000) of the general fund—state appropriation for fiscal year 2019 are provided solely to the professional educator standards board for the following:

(a) \$1,115,000 in fiscal year 2018 and \$1,115,000 in fiscal year 2019 are for the operation and expenses of the Washington professional educator standards board;

(b) \$2,372,000 of the general fund—state appropriation for fiscal year 2018 and \$2,372,000 of the general fund—state appropriation for fiscal year 2019 are for grants to improve preservice teacher training and for funding of alternate routes to certification programs administered by the professional educator standards board. Alternate routes programs include the pipeline for paraeducators program, the retooling to teach conditional loan programs, and the recruiting Washington teachers program. Priority shall be given to programs that support bilingual teachers and English language learners. Within this subsection (4)(b), up to \$500,000 per fiscal year is available 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 and \$250,000 is provided solely for the pipeline for paraeducators conditional scholarship program for scholarships for paraeducators to complete their associate of arts degrees in subject matter shortage areas;

(c) \$25,000 of the general fund—state appropriation for fiscal year 2018 and \$25,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use;

(d) Within the amounts appropriated in this section, sufficient funding is provided for implementation of chapter 172, Laws of 2017 (SHB 1741) (educator prep. data/PESB).

(e) \$250,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to procure or develop professional development for paraeducator subject matter certificates, in English language learner and special education.

and must align courses with general paraeducator certificate professional development, including any necessary changes or edits to general paraeducator certificate online modules.

(5) \$266,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$266,000)~~) \$502,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(6)(a) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$61,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(b) Within amounts appropriated in this subsection (6), the committee shall review the rules and procedures adopted by the superintendent of public instruction and the state board of education related to the minimum number of students to be used for public reporting and federal accountability purposes. By October 30, 2018, the committee shall report to the office of the superintendent of public instruction, the state board of education, and the appropriations committees of the legislature with its recommendations for the state to meet the following goals: Increase the visibility of the opportunity gap in schools with small subgroups of students; hold schools and school districts accountable to individual student-level support; and comply with federal student privacy laws.

(7) \$61,000 of the general fund—state appropriation for fiscal year 2018 and \$61,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(8) \$262,000 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.

(9) \$1,802,000 of the general fund—state appropriation for fiscal year 2018 and \$1,802,000 of the general fund—state appropriation for fiscal year 2019 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).

(10) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(11) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(12) \$123,000 of the general fund—state appropriation for fiscal year 2018 and \$123,000 of the general fund—state appropriation for fiscal year 2019 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.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(14) \$50,000 of the general fund—state appropriation for fiscal year 2018 and \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school bullying and harassment prevention activities.

(15) \$14,000 of the general fund—state appropriation for fiscal year 2018 and \$14,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(16) \$62,000 of the general fund—state appropriation for fiscal year 2018 and \$62,000 of the general fund—state appropriation for fiscal year 2019 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:

(a) 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

(b) 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.

(17) \$10,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools—recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(18) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 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.

(19) \$131,000 of the general fund—state appropriation for fiscal year 2018, \$131,000 of the general fund—state appropriation for fiscal year 2019, and \$211,000 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.

(20) \$150,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$150,000)~~) \$202,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for youth suicide prevention activities.

(21) \$31,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—state appropriation for fiscal year 2019 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.

(22) \$2,541,000 of the general fund—state appropriation for fiscal year 2018 and \$2,541,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(23) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(24) \$1,221,000 of the general fund—state appropriation for fiscal year 2018 and \$1,221,000 of the general fund—state appropriation for fiscal year 2019 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.

(25) \$3,940,000 of the general fund—state appropriation for fiscal year 2018 and \$3,940,000 of the general fund—state appropriation for fiscal year 2019 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.

(26) \$1,354,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$1,354,000)~~) \$1,454,000 of the general fund—state appropriation for fiscal year 2019 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.

(27) \$410,000 of the general fund—state appropriation for fiscal year 2018, \$280,000 of the general fund—state appropriation for fiscal year 2019, and (~~(\$1,029,000)~~) \$1,028,000 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, \$513,000 of the dedicated marijuana account—state appropriation for fiscal year 2018, and (~~(\$516,000)~~) \$515,000 of the dedicated marijuana account—state appropriation for fiscal year 2019 are provided solely for the building bridges statewide program.

(28) \$2,984,000 of the general fund—state appropriation for fiscal year 2018 and \$2,590,000 of the general fund—state appropriation for fiscal year 2019 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.

(29) \$293,000 of the general fund—state appropriation for fiscal year 2018 and \$293,000 of the general fund—state appropriation for fiscal year 2019 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.

(30) \$4,894,000 of the general fund—state appropriation for fiscal year 2018 and \$4,894,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants for implementation of dual credit programs and subsidized advance placement exam fees and international baccalaureate class fees and exam fees for low-income students. For expenditures related to subsidized exam fees, the superintendent shall report: The number of students served; the demographics of the students served; and how the students perform on the exams.

(31) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the superintendent of public instruction to convene a work group to build upon the work of the social emotional learning work group established under section 501(34), chapter 4, Laws of 2015 3rd sp. sess. The members of the work group must include representatives from the same organizations that were represented on the 2015 work group, as well as five representatives of diverse communities and a statewide expanded learning opportunities intermediary. The work group must identify and articulate developmental indicators for each grade level for each of the social emotional learning benchmarks, solicit feedback from stakeholders, and develop a model of best practices or guidance for schools on implementing the benchmarks and indicators. The work group shall submit recommendations to the education committees of the legislature and the office of the governor by June 30, 2019.

(32) \$117,000 of the general fund—state appropriation for fiscal year 2018 and \$117,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 3 (SHB No. 1813), Laws of 2015 1st sp. sess. (computer science).

(33) \$450,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$450,000)~~ \$1,450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language/early learning & K-12). In selecting recipients of the K-12 dual language grant, the superintendent of public instruction must prioritize districts that received grants under section 501(36), chapter 4, Laws of 2015 3rd sp. sess. Of the amounts in this subsection, up to \$950,000 of the general fund—state appropriation for fiscal year 2019 is for implementation of the K-12 dual language grant program established in RCW 28A.630.095 and \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(34) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 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.

(35) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 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. Grant funds for the computer science and education grant program may be expended only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

(36) \$2,145,000 of the general fund—state appropriation for fiscal year 2018 and \$2,145,000 of the general fund—state appropriation for fiscal year 2019 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 (Fourth Substitute House Bill No. 1999, foster youth edu. outcomes).

(a) Of the amount provided in this subsection, \$446,000 of the general fund—state appropriation for fiscal year 2018 and \$446,000 of the general fund—state appropriation for fiscal year 2019 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, \$1,015,000 of the general fund—state appropriation for fiscal year 2018 and \$1,015,000 of the general fund—state appropriation for fiscal year 2019 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.

(37) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 157, Laws of 2016 (Third Substitute House Bill No. 1682, homeless students).

(38) \$753,000 of the general fund—state appropriation for fiscal year 2018 and \$703,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 72, Laws of 2016 (Fourth Substitute House Bill No. 1541, educational opportunity gap).

(39) \$57,000 of the general fund—state appropriation for fiscal year 2018 and \$15,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 240, Laws of 2016 (Engrossed Senate Bill No. 6620, school safety).

(40) \$186,000 of the general fund—state appropriation for fiscal year 2018 and \$178,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 291, Laws of 2017 (2SHB 1170) (truancy reduction efforts).

(41) \$984,000 of the general fund—state appropriation for fiscal year 2018 and \$912,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(42) \$204,000 of the general fund—state appropriation for fiscal year 2018, \$204,000 of the general fund—state appropriation for fiscal year 2019, and \$408,000 of the general fund—federal appropriation are provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(43) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for grants to middle and high schools to support international baccalaureate programs in high poverty schools. Of these amounts:

(a) \$200,000 of the appropriation for fiscal year 2018 and \$200,000 of the appropriation for fiscal year 2019 are provided solely for grants to high schools that have an existing international baccalaureate program and enrollments of seventy percent or more students eligible for free or reduced-price meals in the prior school year to implement and sustain an international baccalaureate program; and

(b) \$100,000 of the appropriation for fiscal year 2018 and \$100,000 of the appropriation for fiscal year 2019 are provided solely for grants to middle schools with students that will attend a qualifying high poverty high school that has received a grant under (a) of this subsection to support implementation of a middle school international baccalaureate program.

(44) \$240,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a grant to the Pacific science center to continue providing science on wheels activities in schools and other community settings. Funding is provided to assist with upgrading three planetarium computers and software and to assist with purchasing and outfitting three vans with new traveling planetarium exhibits.

(45) (~~(\$100,000)~~) \$40,000 of the general fund—state appropriation for fiscal year 2018 (~~(*)~~) and \$60,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract for consulting services for a study of the current state pupil transportation funding formula. The study must evaluate the extent to which the formula corresponds to the actual costs of providing pupil transportation to and from school for the state's statutory program of basic education, including local school district characteristics such as unique geographic constraints, and transportation for students who are identified as homeless under the McKinney-Vento act. Based on the results of this evaluation, the superintendent must make recommendations for any necessary revisions to the state's pupil transportation formula, taking into account the statutory program of basic education, promotion of the efficient use of state and local resources, and continued local district control over the management of pupil transportation systems. The superintendent must make recommendations to clarify the sources of funding that districts can use to transport homeless students to and from school.

(46) \$440,000 of the general fund—state appropriation for fiscal year 2018 and \$270,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction for the procurement and implementation of a reporting and data aggregation system that will connect state- and district-level information to secure and protect district, school and student information in order to close student performance gaps by assisting school districts in data-driven implementation of strategies and supports that are responsive of student needs.

(47) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(48) \$178,000 of the general fund—state appropriation for fiscal year 2018 and \$179,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 180, Laws of 2017 (2SSB 5258) (Washington Aim program).

(49) \$97,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 1539 (sexual abuse of students). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(50) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2779 (children's mental health services). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(51) \$676,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2748

(learning assistance program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(52) \$230,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute House Bill No. 1896 (civics education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(53) 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.

(54) \$335,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1600 (career and college readiness). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(55) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to the office of the superintendent of public instruction for programs to combat bias. The office of the superintendent of public instruction must contract with a nonprofit organization that supports Washington teachers in implementing lessons of the Holocaust for the creation of a comprehensive online encyclopedia of local Holocaust education resources. The online encyclopedia must include teaching trunk materials, Anne Frank materials, genocide resources, and video testimonies.

(56) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act). The office of the superintendent of public instruction must submit a report to the appropriate policy and fiscal committees of the legislature by June 30, 2019, outlining accomplishments and deliverables achieved in fiscal year 2019.

(57) The office of the superintendent of public instruction, in collaboration with the department of social and health services developmental disabilities administration and division of vocational rehabilitation, shall explore the development of an implementation plan to build statewide capacity among school districts to improve transition planning for students in special education who meet criteria for services from the developmental disabilities administration, and shall provide all school districts with an opportunity to participate. The plan shall be submitted in compliance with RCW 43.01.036 by November 1, 2018, and the final report must be submitted by November 1, 2020, to the governor and appropriate legislative committees.

(58) \$40,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the legislative youth advisory council. The council of statewide members advises legislators on issues of importance to youth.

(59) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely to contract with a nonprofit, civil rights and human relations organization with expertise in tracking and responding to hate incidents in schools, and with experience implementing programs designed to empower students to improve upon and sustain school climates that combat bias and

bullying. The contract must expand the organization's current anti-bias programs to eight public schools across Washington, with at least half of the public schools located east of the crest of the Cascade mountains. Amounts provided in this subsection may be used to support preprogram planning, trainings, guidance, surveys, materials, and the hiring of a part-time contractor to support data tracking.

(60) \$120,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute Senate Bill No. 6162 (dyslexia). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(61) 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.

(62) \$240,000 of the general fund—state appropriation for fiscal year 2019 is 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.

(63) \$10,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the civic education travel grant program pursuant to RCW 28A.300.480.

(64) Within the amounts appropriated in this section, the office of the superintendent of public instruction may develop recommendations to amend long-standing provisos within Part V of the omnibus operating budget. The office of the superintendent of public instruction shall submit recommendations, to include rationale why each proposed change should be made, to the office of financial management and the fiscal committees of the legislature by July 1, 2018.

(65) Within the amounts appropriated in this section, the office of the superintendent of public instruction shall coordinate with school districts and educational service districts that contract for transportation bus services and report the following information to the appropriate fiscal committees of the legislature by December 1, 2018:

(a) The number of transportation contract employees by job category;

(b) The total cost of the transportation contract, including the amount held by the school district or educational service district for administration of the contract;

(c) Information about the retirement benefit for transportation contract employees, including the name of the provider, the aggregate amount provided, and the amounts provided by employees;

(d) Information about the total health care benefit provided to transportation contract employees, including the name of the provider and the summary of benefits; and

(e) A copy of the transportation contract.

(66) Within the amounts appropriated in this section, the office of the superintendent of public instruction shall:

(a) Make recommendations on the best methods to provide and fund vocational funding enhancement for career and technical education and career-connected learning through alternative learning experience courses;

(b) Solicit and incorporate input received from the online learning advisory committee in making its report recommendations; and

(c) Submit a report of recommendations to the education and fiscal committees of the legislature by December 15, 2018.

(67) \$900,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to leverage federal funding from the e-rate program operated by the universal service administrative company, under the federal communications commission. Funding is provided to enable more student access to digital learning.

(68) \$4,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community based nonprofits to partner with public schools for next generation science standards.

(69) \$722,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the superintendent of public instruction to provide grants to educational service districts and school districts to develop or expand regional safety programs to address student safety. At a minimum, programs must implement a multitier threat assessment system; develop a process for notifying schools, including private schools, of safety emergencies; and make recommendations or implement appropriate safety technology consistent with regional need.

(70) \$131,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2685 (high school preapprenticeships). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

**Sec. 501 was partially vetoed. See message at end of chapter.*

***Sec. 502.** 2017 3rd sp.s. c 1 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State Appropriation (FY 2018)	..... ((\$7,183,886,000))
	<u>\$7,239,334,000</u>
General Fund—State Appropriation (FY 2019)	..... ((\$7,412,055,000))
	<u>\$7,142,294,000</u>
Education Legacy Trust Account—State Appropriation	..... ((\$345,730,000))
	<u>\$595,730,000</u>
TOTAL APPROPRIATION	..... ((\$14,941,671,000))
	<u>\$14,977,358,000</u>

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

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2017-18 and 2018-19 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 502 and 503 of this act, excluding (c) of this subsection, and in House Bill No. 2242 (fully funding the program of basic education).

(c) From July 1, 2017, to August 31, 2017, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 4, Laws of 2015 3rd sp. sess., 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 2017-18 and 2018-19 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.

(h) For the 2018-19 school year, a school district qualifies for a hold harmless payment if the sum of the school district's state basic education allocations plus its enrichment levy and local effort assistance under chapter 13, Laws of 2017 3rd sp. sess. is less than the sum of state basic education allocations, local maintenance and operation levy, and local effort assistance provided under the law as it existed on January 1, 2017. For the purposes of this section, the local levy is limited to the lesser of the voter-approved levy as of January 1, 2017, or the maximum levy allowed under the law as of January 1, 2017.

(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS

Allocations for certificated instructional staff salaries for the 2017-18 and 2018-19 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 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	2017-18 School Year	2018-19 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 20.0.

(ii) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty schools:

Grade	RCW 28A.150.260	2017-18 School Year	2018-19 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

General education class size in high poverty schools:

Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

(iii) 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

(iv) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) 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:

	2017-18 School Year	2018-19 School Year
Career and Technical Education	3.07	3.07
Skill Center	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2017-18 and 2018-19 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, assistance 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 2017-18 and 2018-19 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 2017-18 and 2018-19 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 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 12.29 percent in the 2017-18 school year and 12.29 percent in the 2018-19 school year for career and technical education students, and 17.61 percent in the 2017-18 school year and 17.61 percent in the 2018-19 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 23.49 percent in the 2017-18 school year and (~~(23.49)~~) 23.65 percent in the 2018-19 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 24.60 percent in the 2017-18 school year and (~~(24.60)~~) 24.67 percent in the 2018-19 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 maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1,440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(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	2017-18 School Year	2018-19 School Year
Technology	\$130.76	(\$132.85) <u>\$133.24</u>
Utilities and Insurance	\$355.30	(\$360.98) <u>\$362.05</u>
Curriculum and Textbooks	\$140.39	(\$142.64) <u>\$143.06</u>
Other Supplies and Library Materials	\$298.05	(\$302.82) <u>\$303.71</u>
Instructional Professional Development for Certificated and Classified Staff	\$21.71	(\$22.06) <u>\$22.12</u>
Facilities Maintenance	\$176.01	(\$178.83) <u>\$179.36</u>
Security and Central Office	\$121.94	(\$123.89) <u>\$124.26</u>
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$1,244.16	(\$1,264.07) <u>\$1,267.80</u>

(ii) For the 2017-18 school year and 2018-19 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and (~~(\$1,495.56)~~) \$1,499.98 for the 2018-19 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,472.01 for the 2017-18 school year and (~~(\$1,495.56)~~) \$1,499.98 for the 2018-19 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	2017-18 School Year	2018-19 School Year
Technology	\$37.60	((\$38.20)) <u>\$38.31</u>
Curriculum and Textbooks	\$41.02	((\$41.67)) <u>\$41.80</u>
Other Supplies and Library Materials	\$85.46	((\$86.82)) <u>\$87.08</u>
Instructional Professional Development for Certified and Classified Staff	\$6.83	((\$6.95)) <u>\$6.97</u>
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$170.91	((\$173.64)) <u>\$174.16</u>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2017-18 and 2018-19 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, 2017, to August 31, 2017, are adjusted to reflect provisions of chapter 4, Laws of 2015 3rd sp. sess., 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

Funding in this section is sufficient to fund all day kindergarten programs in all schools in the 2017-18 school year and 2018-19 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 (~~(((12)))~~) (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 2018 and 2019 as follows:

(a) \$638,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$648,000)~~) \$650,000 of the general fund—state appropriation for fiscal

year 2019 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 2018 and \$436,000 of the general fund—state appropriation for fiscal year 2019 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) \$225,000 of the general fund—state appropriation for fiscal year 2018 and \$229,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for school district emergencies as certified by the superintendent of public instruction. Funding provided must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) 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.

(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.

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection ~~((42))~~ (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 ~~((42))~~ (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 (~~5 percent~~) 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 2017-2019 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

**Sec. 502 was partially vetoed. See message at end of chapter.*

Sec. 503. 2017 3rd sp.s. c 1 s 503 (unclassified) 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 House Bill No. 2242 (fully funding the program of basic education), RCW 28A.150.260, and under section 502 of this act:

(a) For the 2017-18 school year, salary allocations for certificated instructional staff units are determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP document 1.

(b) For the 2017-18 school year, salary allocations for certificated administrative staff units and classified staff units for each district are determined based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(c) For the 2018-19 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

For School Year 2018-19

Certificated Instructional Staff	(\$59,333.55) <u>\$65,216.05</u>
Certificated Administrative Staff	(\$79,127.50) <u>\$96,805.00</u>

Statewide Minimum Salary Allocation
For School Year 2018-19

Classified Staff (~~(\$39,975.50)~~)
\$46,784.33

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on June 22, 2017, at 1:14 hours.

(c) "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 (~~June 22, 2017, at 1:14 hours~~) March 6, 2018, at 8:24 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 22.85 percent for school year 2017-18 and (~~(22.85)~~) 23.01 percent for school year 2018-19 for certificated instructional and certificated administrative staff and 21.10 percent for school year 2017-18 and (~~(21.10)~~) 21.17 percent for the 2018-19 school year for classified staff.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedule for certificated instructional staff are established for basic education salary allocations for the 2017-18 school year:

**Table Of Total Base Salaries For Certificated Instructional Staff
For School Year 2017-18**
*** Education Experience ***

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	36,521	37,507	38,529	39,554	42,840	44,957	43,785	47,072	49,191
1	37,013	38,013	39,048	40,117	43,438	45,543	44,272	47,593	49,697
2	37,481	38,491	39,537	40,688	44,000	46,127	44,762	48,073	50,201
3	37,964	38,983	40,040	41,229	44,534	46,712	45,227	48,529	50,709
4	38,437	39,501	40,565	41,794	45,119	47,313	45,714	49,038	51,234
5	38,926	39,995	41,069	42,367	45,679	47,918	46,209	49,522	51,760
6	39,428	40,474	41,585	42,948	46,244	48,494	46,716	50,013	52,262
7	40,312	41,373	42,498	43,935	47,280	49,593	47,666	51,010	53,324
8	41,604	42,724	43,876	45,431	48,822	51,219	49,161	52,552	54,949
9		44,122	45,332	46,943	50,413	52,892	50,672	54,143	56,623
10			46,805	48,533	52,049	54,611	52,263	55,780	58,340
11				50,169	53,761	56,375	53,899	57,492	60,104
12				51,753	55,520	58,211	55,600	59,250	61,942
13					57,322	60,093	57,360	61,052	63,823
14					59,132	62,046	59,172	62,981	65,776

**Table Of Total Base Salaries For Certificated Instructional Staff
For School Year 2017-18**

*** Education Experience ***

15	60,671	63,660	60,710	64,618	67,486
16 or more	61,884	64,932	61,924	65,910	68,836

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this part V, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) 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 House Bill No. 2242 (fully funding the program of basic education).

(8) For school year 2018-19, the salary allocations for each district shall be the greater of:

(a) The derived school year 2018-19 salary allocations in subsection (1) of this section; or

(b) The derived salary allocations for school year 2017-18 increased by 2.3 percent.

***Sec. 504.** 2017 3rd sp.s. c 1 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR
SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State Appropriation (FY 2018) ~~(\$216,086,000)~~
\$206,149,000

General Fund—State Appropriation (FY 2019) ~~(\$1,360,536,000)~~
\$2,029,841,000

Dedicated McCleary Penalty Account—State

<u>Appropriation</u>	\$84,020,000
TOTAL APPROPRIATION	(((\$1,576,622,000)) <u>\$2,320,010,000</u>)

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

(1) The salary increases provided in this section are inclusive of and above the annual cost-of-living adjustments pursuant to RCW 28A.400.205.

~~(2) ((In addition to salary allocations specified in this subsection (1) funding in this subsection includes one day of professional learning for each of the funded full-time equivalent certificated instructional staff units in school year 2018-19. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.~~

~~(3))~~(a) The appropriations in this section include associated incremental fringe benefit allocations at 22.85 percent for the 2017-18 school year and ~~((22.85))~~ 23.01 percent for the 2018-19 school year for certificated instructional and certificated administrative staff and 21.10 percent for the 2017-18 school year and ~~((21.10))~~ 21.17 percent for the 2018-19 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 502 and 503 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 502 and 503 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 502, 503, and 504 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

~~((4))~~ (3) The maintenance rate for insurance benefit allocations is \$780.00 per month for the 2017-18 and 2018-19 school years. The appropriations in this section reflect the incremental change in cost of allocating rates of \$820.00 per month for the 2017-18 school year and ~~((840.00))~~ \$843.97 per month for the 2018-19 school year. When bargaining for health benefits funding for the school employees' benefits board during the 2017-2019 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.

~~((5))~~ (4) The rates specified in this section are subject to revision each year by the legislature.

(5) \$699,437,000 of the general fund—state appropriation in fiscal year 2019 and \$84,020,000 of the dedicated McCleary penalty account—state appropriation are provided solely for allocation to school districts to increase compensation related to increasing school employee salary allocations, changing the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), regionalization factors as provided in RCW 28A.150.412(2)(b), and professional learning day delay, each as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education).

**Sec. 504 was partially vetoed. See message at end of chapter.*

Sec. 505. 2017 3rd sp.s. c 1 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2018)	(\$502,599,000)
	<u>\$518,512,000</u>
General Fund—State Appropriation (FY 2019)	(\$497,940,000)
	<u>\$519,533,000</u>
TOTAL APPROPRIATION	(\$1,000,539,000)
	<u>\$1,038,045,000</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 2017-18 and 2018-19 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, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2018 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2019 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 \$913,000 of this fiscal year 2018 appropriation and a maximum of ~~(\$937,000)~~ \$939,000 of the fiscal year 2019 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts

for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) 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.

(6) 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.

(7) 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.

(8) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

Sec. 506. 2017 3rd sp.s. c 1 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2018)	\$7,111,000
General Fund—State Appropriation (FY 2019)	(\$7,111,000)
	<u>\$8,371,000</u>
General Fund—Federal Appropriation	\$537,178,000
TOTAL APPROPRIATION	(\$51,400,000)
	<u>\$552,660,000</u>

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

(1) \$7,111,000 of the general fund—state appropriation for fiscal year 2018 and \$7,111,000 of the general fund—state appropriation for fiscal year 2019 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:

~~((1))~~ (a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades kindergarten through third grade who are eligible for reduced-price lunch;

~~((2))~~ (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;

~~((3))~~ (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

~~((4))~~ (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 ~~((subsections (1), (2), and (3)))~~ 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, 2018, and February 1, 2019. 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) \$60,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Substitute House Bill No. 2610 (school meal payment). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$1,200,000 of the general fund—state appropriation for fiscal year 2019 are for one-time start-up allocation grants to each high-needs school implementing a breakfast after the bell program under section 3 of Second Engrossed Substitute House Bill No. 1508 (student meals and nutrition). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 507. 2017 3rd sp.s. c 1 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2018)	.....	(\$956,055,000)
		\$965,613,000
General Fund—State Appropriation (FY 2019)	.....	(\$989,284,000)
		\$1,001,806,000
General Fund—Federal Appropriation	.....	(\$470,673,000)
		\$485,054,000
Education Legacy Trust Account—State Appropriation	.....	\$54,694,000
Dedicated McCleary Penalty Account—State		
<u>Appropriation</u>	.....	\$21,180,000
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>	.....	\$20,000
TOTAL APPROPRIATION	.....	(\$2,470,706,000)
		\$2,528,367,000

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 502 and 504 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 2017-18 and 2018-19 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390 as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education), except that the calculation of the base allocation also includes allocations provided under section 502 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 4, Laws of 2015 3rd sp. sess., 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) \$31,087,000 of the general fund—state appropriation for fiscal year 2018, (~~(\$31,087,000)~~) \$35,952,000 of the general fund—state appropriation for fiscal year 2019, and (~~(\$31,024,000)~~) \$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 2017-18 and 2018-19 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 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$256,000 of the general fund—state appropriation for fiscal year 2018 and \$256,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for two 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.

(12) \$50,000 of the general fund—state appropriation for fiscal year 2018, \$50,000 of the general fund—state appropriation for fiscal year 2019, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(13) \$21,180,000 of the dedicated McCleary penalty account—state appropriation is provided solely for allocation to school districts to increase the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education).

Sec. 508. 2017 3rd sp.s. c 1 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2018)(~~(\$8,534,000)~~)
\$8,549,000

General Fund—State Appropriation (FY 2019)	.....((<u>\$8,558,000</u>))
	<u>\$9,468,000</u>
TOTAL APPROPRIATION	.....((<u>\$17,092,000</u>))
	<u>\$18,017,000</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) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2017 3rd sp.s. c 1 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2018)	.....((<u>\$449,808,000</u>))
	<u>\$451,423,000</u>
General Fund—State Appropriation (FY 2019)	.....((<u>\$454,876,000</u>))
	<u>\$425,973,000</u>
TOTAL APPROPRIATION	.....((<u>\$904,684,000</u>))
	<u>\$877,396,000</u>

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.85 percent from the 2016-17 school year to the 2017-18 school year.

Sec. 510. 2017 3rd sp.s. c 1 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2018)	.....((<u>\$13,565,000</u>))
	<u>\$13,895,000</u>
General Fund—State Appropriation (FY 2019)	.....((<u>\$13,689,000</u>))
	<u>\$14,096,000</u>

TOTAL APPROPRIATION	(((\$27,254,000)))
	<u>\$27,991,000</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 2018 and \$701,000 of the general fund—state appropriation for fiscal year 2019 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) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2017 3rd sp.s. c 1 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation (FY 2018)	(((\$21,265,000)))
	<u>\$21,447,000</u>

General Fund—State Appropriation (FY 2019)	(((\$24,306,000)))
	<u>\$24,226,000</u>

TOTAL APPROPRIATION	(((\$45,571,000)))
	<u>\$45,673,000</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) For the 2017-18 and 2018-19 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 503 and 504 of this act.

(b) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 4, Laws of 2015 3rd sp. sess., as amended.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2018 and \$85,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the centrum program at Fort Worden state park.

Sec. 512. 2017 3rd sp.s. c 1 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT

General Fund—Federal Appropriation((~~\$4,802,000~~))
\$5,802,000

Sec. 513. 2017 3rd sp.s. c 1 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2018)((~~\$134,741,000~~))
\$134,384,000

General Fund—State Appropriation (FY 2019)((~~\$155,464,000~~))
\$154,111,000

General Fund—Federal Appropriation((~~\$93,320,000~~))
\$94,811,000

General Fund—Private/Local Appropriation((~~\$1,451,000~~))
\$1,450,000

Education Legacy Trust Account—State Appropriation((~~\$1,619,000~~))
\$1,618,000

Pension Funding Stabilization Account—State
Appropriation.....\$765,000

TOTAL APPROPRIATION((~~\$386,595,000~~))
\$387,139,000

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

(1)(a) \$30,421,000 of the general fund—state appropriation for fiscal year 2018, \$26,975,000 of the general fund—state appropriation for fiscal year 2019, \$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)(i) The office of the superintendent of public instruction issued a final fiscal note on July 13, 2017, detailing an estimated savings of \$12.7 million in the 2017-2019 biennium and \$15.2 million in the 2019-2021 biennium from the passage of Engrossed Substitute House Bill No. 2224.

(ii) By November 1, 2018, the superintendent must review the fiscal note and report to the legislature on which actions detailed in the fiscal note were taken by the superintendent to achieve the savings estimated and the actual savings achieved. For those actions provided in the fiscal note that were not taken and for which no savings were achieved, the superintendent must explain why those actions were not taken.

(iii) By November 1, 2018, the superintendent must submit a detailed plan on how the superintendent will achieve all of the savings estimated in the fiscal note for the 2019-2021 biennium.

(2) \$356,000 of the general fund—state appropriation for fiscal year 2018 and \$356,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities (~~(coordinated at the Pacific science center)~~), including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$3,935,000 of the general fund—state appropriation for fiscal year 2018 and \$3,935,000 of the general fund—state appropriation for fiscal year 2019 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).

(4) (~~(\$62,672,000)~~) \$62,674,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$82,665,000)~~) \$82,778,000 of the general fund—state appropriation for fiscal year 2019 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:

(a) For national board certified teachers, a bonus of \$5,296 per teacher in the 2017-18 school year and a bonus of (~~(\$5,381)~~) \$5,397 per teacher in the 2018-19 school year;

(b) 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;

(c) 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

(d) During the 2017-18 and 2018-19 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 three years 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.

(5) \$477,000 of the general fund—state appropriation for fiscal year 2018 and \$477,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) \$950,000 of the general fund—state appropriation for fiscal year 2018 and \$950,000 of the general fund—state appropriation for fiscal year 2019 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.

(7) \$810,000 of the general fund—state appropriation for fiscal year 2018 and \$810,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) \$3,000,000 of the general fund—state appropriation for fiscal year 2018 and \$3,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) \$1,802,000 of the general fund—state appropriation for fiscal year 2018 and \$1,802,000 of the general fund—state appropriation for fiscal year 2019 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, \$825,000 of the 2018 appropriation and \$825,000 of the 2019 appropriation shall be used to support FIRST robotics programs in grades four

through twelve. Of the amounts in this subsection, \$100,000 of the fiscal year 2018 appropriation and \$100,000 of the fiscal year 2019 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for (a) 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; and (b) 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.

(11) \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) \$10,500,000 of the general fund—state appropriation for fiscal year 2018 and \$10,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a beginning educator support program. The program shall prioritize first year teachers 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 teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2018, a high school must have offered a foundational project lead the way course during the 2016-17 school year. The 2018 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 2017-18 school year. To be eligible for funding in 2019, a high school must have offered a foundational project lead the way course during the 2017-18 school year. The 2018 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 2018-19 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.

(14) \$9,352,000 of the general fund—state appropriation for fiscal year 2018 and \$14,352,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2013. By January 15, 2018, the superintendent of public instruction shall submit a plan to the fiscal committees of the legislature outlining the additional school accountability supports that will be implemented as a result of the increased appropriation provided in fiscal year 2019. Of the amount provided in this subsection, \$5,000,000 of the general fund—state appropriation for fiscal year

2019 is provided solely for expenditure contingent upon legislative approval of the superintendent's plan for additional school accountability supports, and the superintendent may not spend that amount until approval is received.

(15) \$450,000 of the general fund—state appropriation for fiscal year 2018 and \$450,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for annual start-up, expansion, or maintenance of existing programs in aerospace and advanced manufacturing programs. To be eligible for funding, the skills center and high schools must agree to engage in developing local business and industry partnerships for oversight and input regarding program components. Program instructors must also agree to participate in professional development leading to student employment, or certification in aerospace or advanced manufacturing industries as determined by the superintendent of public instruction. The office of the superintendent of public instruction and the education research and data center shall report annually student participation and long-term outcome data.

(16) \$5,000,000 of the general fund—state appropriation for fiscal year 2018 and \$4,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

(17) (~~(\$100,000)~~) \$125,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$100,000)~~) \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(18) \$2,194,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$2,194,000)~~) \$909,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (Engrossed Substitute Senate Bill No. 5946) (strengthening student educational outcomes).

(19) \$36,000 of the general fund—state appropriation for fiscal year 2018 and \$36,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 212, Laws of 2014 (Substitute Senate Bill No. 6074) (homeless student educational outcomes).

(20) \$80,000 of the general fund—state appropriation for fiscal year 2018 and \$40,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 219, Laws of 2014 (Second Substitute Senate Bill No. 6163) (expanded learning).

(21) \$10,000 of the general fund—state appropriation for fiscal year 2018 and \$10,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 102, Laws of 2014 (Senate Bill No. 6424) (biliteracy seal).

(22) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization 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.

(23) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state-required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District-required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15th of each year, each district shall report to the superintendent the amount of student time in the previous school year that is spent taking each assessment identified. By December 15th of each even numbered calendar year, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.

(24) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for contracts with nonprofit organizations that provide direct services to children exclusively through one-to-one volunteer mentoring. The mentor, student, and parent must each receive monthly coaching from professional staff in the first year and coaching every two months in subsequent years.

(25) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for grants to implement a program that provides hands-on education in financial literacy, work readiness, and entrepreneurship.

(26) 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.

Sec. 514. 2017 3rd sp.s. c 1 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State Appropriation (FY 2018)	.....((\$147,948,000))
	<u>\$151,517,000</u>
General Fund—State Appropriation (FY 2019)	.....((\$157,744,000))
	<u>\$158,812,000</u>

General Fund—Federal Appropriation .....	..((\$92,244,000))
	<u>\$97,244,000</u>
<u>Pension Funding Stabilization Account—State Appropriation</u>	<u>\$4,000</u>
TOTAL APPROPRIATION .....	..((\$397,936,000))
	<u>\$407,577,000</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 2017-18 and 2018-19 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 2017-18 and 2018-19; (ii) additional instruction of 3.0000 hours per week in school years 2017-18 and 2018-19 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 503 and 504 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, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 4, Laws of 2015, 3rd sp. sess., 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: (~~2.55~~) 2.50 percent for school year 2017-18 and 2.57 percent for school year 2018-19.

(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 2018 and \$35,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to track current and former transitional bilingual program students.

(6) \$495,000 of the general fund—state appropriation in fiscal year 2018 and \$198,000 of the general fund—state appropriation in fiscal year 2019 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

Sec. 515. 2017 3rd sp.s. c 1 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State Appropriation (FY 2018) . . . . .	..((\$326,233,000))	<u>\$323,386,000</u>
General Fund—State Appropriation (FY 2019) . . . . .	..((\$355,633,000))	<u>\$348,202,000</u>
General Fund—Federal Appropriation . . . . .	..((\$505,487,000))	<u>\$519,487,000</u>
TOTAL APPROPRIATION . . . . .	..((\$1,187,353,000))	<u>\$1,191,075,000</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 2017-18 and 2018-19 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 2017-18 and 2018-19 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2017-18 and 2018-19 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 503 and 504 of this act.

(ii) From July 1, 2017, to August 31, 2017, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 4, Laws of 2015, 3rd sp. sess., 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 2017-18 and 2018-19 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

Sec. 516. 2017 3rd sp.s. c 1 s 516 (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	2017-18 School Year	2018-19 School Year
General Apportionment	(\$7,038) <u>\$7,063</u>	(\$8,037) <u>\$8,736</u>
Pupil Transportation	(\$422) <u>\$429</u>	(\$485) <u>\$531</u>

Statewide Average Allocations		
Per Annual Average Full-Time Equivalent Student		
Special Education Programs	(\$6,920) <u>\$6,897</u>	(\$7,875) <u>\$8,749</u>
Institutional Education Programs	(\$13,476) <u>\$14,401</u>	(\$15,369) <u>\$17,811</u>
Programs for Highly Capable Students	(\$455) <u>\$457</u>	(\$525) <u>\$569</u>
Transitional Bilingual Programs	(\$1,024) <u>\$1,031</u>	(\$1,163) <u>\$1,250</u>
Learning Assistance Program	(\$735) <u>\$738</u>	(\$849) <u>\$920</u>

Sec. 517. 2017 3rd sp.s. c 1 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent

allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2018, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2018 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment, employee compensation adjustments, pupil transportation, special education programs, institutional education programs, transitional bilingual programs, highly capable, and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

Sec. 518. 2017 3rd sp.s. c 1 s 519 (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 ((~~\$62,713,000~~))
\$55,569,000

The appropriation in this section is 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) \$2,378,000 of the Washington opportunity pathways account—state appropriation is provided solely for allocation to school districts to increase compensation related to increasing school employee salary allocations, changing the special education excess cost multiplier as provided in RCW 28A.150.390(2)(b), regionalization factors as provided in RCW 28A.150.412(2)(b), and the professional learning day delay, each as amended by Engrossed Second Substitute Senate Bill No. 6362 (basic education).

Sec. 519. 2017 3rd sp.s. c 1 s 520 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION

Washington Opportunity Pathways Account—State

Appropriation ((~~\$477,000~~))
\$862,000

Charter Schools Oversight Account—State

Appropriation .....	..((\$1,958,000))
	<u>\$1,572,000</u>
TOTAL APPROPRIATION .....	..((\$2,435,000))
	<u>\$2,434,000</u>

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2017 3rd sp.s. c 1 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2018) .....	..((\$662,672,000))
	<u>\$629,169,000</u>
General Fund—State Appropriation (FY 2019) .....	..((\$668,368,000))
	<u>\$637,311,000</u>
Community/Technical College Capital Projects Account—State Appropriation .....	..((\$23,841,000))
	<u>\$21,618,000</u>
Education Legacy Trust Account—State Appropriation .....	..((\$138,314,000))
	<u>\$134,501,000</u>
<u>Pension Funding Stabilization Account—State</u> <u>Appropriation</u>	<u>\$67,897,000</u>
TOTAL APPROPRIATION .....	..((\$1,493,195,000))
	<u>\$1,490,496,000</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 2018 and \$33,261,000 of the general fund—state appropriation for fiscal year 2019 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 2018 and at least 7,170 full-time equivalent students in fiscal year 2019.

(2) \$5,450,000 of the education legacy trust account—state appropriation is provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2018 and \$425,000 of the general fund—state appropriation for fiscal year 2019 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 2018 and \$5,250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2018, and \$1,610,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the expansion of the mathematics, engineering, and science achievement program. The state board shall report back to the appropriate committees of the legislature on the number of campuses and students served by December 31, 2018.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of guided pathways or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.

(7) \$1,500,000 of the general fund—state appropriation for fiscal year 2018 and \$1,500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(8) \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 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.

(9) (~~(\$18,588,000)~~) \$18,697,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$18,960,000)~~) \$19,164,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(10) 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.

(11) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(12) \$157,000 of the general fund—state appropriation for fiscal year 2018 and \$157,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Wenatchee Valley college wildfire prevention program.

(13) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(14) \$185,000 of the general fund—state appropriation for fiscal year 2018 and \$185,000 of the general fund—state appropriation for fiscal year 2019 are

provided solely for implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(15) \$41,000 of the general fund—state appropriation for fiscal year 2018 and \$42,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 98, Laws of 2017 (E2SHB 1375) (ctc course material costs).

(16) \$158,000 of the general fund—state appropriation for fiscal year 2018 and \$5,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(17) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for program delivery through Green River College to the Covington area and southeast King county in response to the education needs assessment conducted by the student achievement council in the 2015-2017 fiscal biennium.

(18) \$60,000 of the general fund—state appropriation for fiscal year 2018 and \$60,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a youth development program operated by Everett community college in conjunction with a county chapter of a national civil rights organization.

(19) \$750,000 of the general fund—state appropriation for fiscal year 2018 and \$750,000 of the general fund—state appropriation for fiscal year 2019 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.

(20)(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 724 of this act.

(21) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the aerospace center of excellence hosted by Everett

Community College to develop an unmanned aircraft system program in Sunnyside.

(22) \$216,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the opportunity center for employment and education at north Seattle college.

(23) \$381,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(24) \$500,000 of the general fund—state appropriation for fiscal year 2019 is 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.

(25)(a) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the board to contract with an independent professional consulting service to:

(i) Collect academic, classified, and professional employee total compensation data, source of funding, and the duties or categories for which that compensation is paid;

(ii) Identify comparable market rate salaries;

(iii) Incorporate, as appropriate, data from the office of financial management from the compensation studies conducted pursuant to the 2017-2019 memorandum of understanding between the state of Washington community college coalition and the Washington federation of state employees re: regional compensation issues; and

(iv) Provide analysis regarding whether a local labor market adjustment formula should be implemented, and if so which market adjustment factors and methods should be used.

(b) The board must collect, and college districts must provide, the compensation, recruitment, and retention data necessary to accomplish the work required in this subsection.

(c) The consultant shall provide an interim report to the board by August 15, 2018. The consultant shall provide the final data and analysis to the board by October 1, 2018.

(26) \$87,000 of the general fund—state appropriation for fiscal year 2018 and \$350,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for Peninsula college to expand the annual cohorts of the specified programs as follows:

(a) Medical assisting, from 20 to 40 students;

(b) Nursing assistant, from 40 to 60 students; and

(c) Registered nursing, from 24 to 32 students.

(27) \$338,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state labor education and research center at South Seattle College.

(28) \$150,000 of the general fund—state appropriation for fiscal year 2018 and \$150,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the state board to continue the feasibility study for a potential new community and technical college in the Graham, Washington area that was first authorized by section 605, chapter 4, Laws of 2015 3rd sp. sess. The

feasibility study shall be accomplished by continuing to expand enrollment and classes at the Graham-Kapowsin high school and gathering data, such as enrollment numbers, future class interest, and student profile data, from students who participate. The feasibility study shall specifically address the intent of pursuing the establishment of a community college in the Graham, Washington area and the state board of community and technical colleges shall report to the legislature the findings of the feasibility study by June 30, 2019.

(29) \$42,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(30) \$300,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Cascadia community college to convene a task force with the University of Washington-Bothell and the representatives from the Canyon Park biomedical industry cluster to (a) identify workforce development needs of the area's biomedical cluster and (b) engage in the city of Bothell's master planning process to ensure that the retention and expansion of this industry cluster and its workforce are adequately represented in the process.

(31) \$50,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the state board to identify at least two high school equivalency tests that are at least as rigorous as the 2013 general educational test in that sixty percent of high school seniors can pass the test. At least one of the two test options must not require computer proficiency and at least one of the test options must be low cost to the student. At least one of the test options must be fairly normed to the actual academic ability of current high school seniors such that at least sixty percent of high school seniors can pass the high school equivalency test. The state board must identify at least one test option that is appropriate for students who have been in the workforce, need a high school diploma for employment reasons, have been incarcerated, or were in the military. The state board must communicate the availability of the two test options to public and private test administrators. The state board must report to the legislature and the public the number of students who have received a high school equivalency certificate during the prior month of each year by posting this information on a public page on its web site. The board must also post on a public page on its web site a norming study for every high school equivalency test confirming that the test is within the actual academic ability of recent high school seniors. The norming study must be similar in scope and methods to the norming studies of the 2002 and 2007 GED tests.

Sec. 602. 2017 3rd sp.s. c 1 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2018)	(\$336,712,000))
	<u>\$310,920,000</u>
General Fund—State Appropriation (FY 2019)	(\$353,811,000))
	<u>\$325,781,000</u>
Aquatic Lands Enhancement Account—State Appropriation	\$1,350,000
UW Building Account—State Appropriation.	\$1,052,000
Education Legacy Trust Account—State Appropriation	(\$30,050,000))
	<u>\$33,051,000</u>

Economic Development Strategic Reserve Account—State	
Appropriation	(\$3,035,000)
	<u>\$3,034,000</u>
<u>Pension Funding Stabilization Account—State</u>	
Appropriation	\$51,068,000
Biotoxin Account—State Appropriation	(\$597,000)
	<u>\$596,000</u>
Dedicated Marijuana Account—State Appropriation	
(FY 2018)	\$247,000
Dedicated Marijuana Account—State Appropriation	
(FY 2019)	\$247,000
Accident Account—State Appropriation	(\$7,436,000)
	<u>\$7,425,000</u>
Medical Aid Account—State Appropriation	(\$7,042,000)
	<u>\$7,032,000</u>
<u>Geoduck Aquaculture Research Account—State</u>	
Appropriation	\$200,000
TOTAL APPROPRIATION	(\$741,579,000)
	<u>\$742,003,000</u>

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

(1) \$52,000 of the general fund—state appropriation for fiscal year 2018 and \$52,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the center for international trade in forest products in the college of forest resources.

(2) ~~(\$38,581,000)~~ \$38,807,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$39,353,000)~~ \$39,777,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(3) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(4) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to expand the number of residency slots available in Washington.

(5) 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.

(6) \$1,350,000 of the aquatic lands enhancement account—state is provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. By September 1, 2017, the center must provide a biennial work plan and begin quarterly progress

reports to the Washington marine resources advisory council created under RCW 43.06.338.

(7) (~~(\$8,000,000)~~) \$11,000,000 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.

(8) \$1,000,000 of the general fund—state appropriation for fiscal year 2018 and \$1,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the university to increase resident undergraduate enrollments in science, technology, engineering, and math majors. The university is expected to increase full-time equivalent enrollment by approximately 60 additional students.

(9) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(10) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2018 and \$250,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Latino health center.

(12) \$200,000 of the general fund—state appropriation for fiscal year 2018 and \$200,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the climate impacts group in the college of the environment.

(13) \$8,400,000 of the general fund—state appropriation for fiscal year 2018 and \$7,400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(14) (~~(\$3,200,000)~~) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$2,700,000 of the general fund—state appropriation for fiscal year 2019 (~~(is)~~) are provided solely for the university to host the Special Olympics USA Games in July 2018.

(15) \$5,000 of the general fund—state appropriation for fiscal year 2018 and \$80,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 262, Laws of 2017 (E2SHB 1612) (lethal means, reduce access).

(16) \$400,000 of the general fund—state appropriation for fiscal year 2018 and \$400,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a contract with the center for sensorimotor neural engineering to advance research on spinal cord injuries.

(17) \$2,250,000 of the general fund—state appropriation for fiscal year 2018 and \$2,250,000 of the general fund—state appropriation for fiscal year 2019 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.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 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.

(19) \$125,000 of the general fund—state appropriation for fiscal year 2018 and \$125,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the University of Washington school of public health to study the air quality implications of air traffic at the international airport in the state that has the highest total annual number of arrivals and departures. The study must include an assessment of the concentrations of ultrafine particulate matter in areas surrounding and directly impacted by air traffic generated by the airport, including areas within ten miles of the airport in the directions of aircraft flight paths and within ten miles of the airport where public agencies operate an existing air monitoring station. The study must attempt to distinguish between aircraft and other sources of ultrafine particulate matter, and must compare concentrations of ultrafine particulate matter in areas impacted by high volumes of air traffic with concentrations of ultrafine particulate matter in areas that are not impacted by high volumes of air traffic. The university must coordinate with local governments in areas addressed by the study to share results and inclusively solicit feedback from community members. By December 1, 2019, the university must report study findings, including any gaps and uncertainties in health information associated with ultrafine particulate matter, and recommend to the legislature whether sufficient information is available to proceed with a second phase of the study.

(20) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(21) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(22) Within the funds appropriated in this section, the University of Washington shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope; and

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(23) 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.

(24) \$45,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the university to conduct research and analysis of military officers who are attending or have completed the command and general staff college, intermediate level education, or advanced operations course as part of their military education. The purpose of the research and analysis is to examine

possible graduate level degree programs to be offered in partnership with the university and the U.S. army's command and general staff college. The research and analysis shall include stakeholder meetings with the U.S. army's command and general staff college. The university shall submit a report to the appropriate legislative higher education committees and the joint committee on veterans and military affairs by December 31, 2018. The report shall include the results of the research and analysis and plans for possible next steps with other service schools for field grade officers.

(25)(a) \$140,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the University of Washington school of law to convene a study on the Washington state supreme court decision *Volk v. DeMeerleer*, 386 P.3d 254 (Wash. 2016), and whether or not it substantially changed the law on the duty of care for mental health providers and whether it has had an impact on access to mental health care services in the state. The study shall include:

(i) Comprehensive review of duty to warn and duty to protect case law and laws in the United States, including a description of how Washington state's law compares to other states and to what extent, if any, the Volk decision changed the law in this state;

(ii) Comprehensive review and assessment of the involuntary and voluntary treatment capacity available in the state, including information and data available from the select committee on quality improvement in state hospitals, related contractors, and other sources;

(iii) An analysis of lawsuits brought in the state as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each lawsuit;

(iv) An analysis of lawsuits brought in the state prior to the issuance of the Volk decision, and since the issuance of the decision in *Petersen v. State*, against outpatient mental health providers alleged to have breached either the duty to warn or the duty to take reasonable precautions established in Petersen, including the outcome of any such cases and the harm alleged in each lawsuit;

(v) An analysis of insurance claims filed as a result of the Volk decision, including the outcome of any such cases and any harm alleged in each claim filed;

(vi) Whether insurance policy provisions and rates have been affected due to the Volk decision;

(vii) Assessment of the number of mental health service providers available to provide treatment to voluntary mental health patients in the state, whether that capacity has changed, and whether any such change is a result of the Volk decision, and a description of any changes as a result of the Volk decision;

(viii) Assessment of whether mental health service providers may be changing practice to limit exposure to the potential risks created by the Volk decision;

(ix) Assessment of legal and practice implications state legal standards regarding duty to warn and duty to protect in the voluntary and involuntary treatment context; and

(x) Comprehensive review of practices where the practice has been consistently shown to have achieved the results it seeks to achieve and that those results are superior to those achieved by other means.

(b) When performing the study under this subsection, the University of Washington school of law shall consult with subject-matter experts including, but not limited to, individuals representing the following organizations:

(i) Attorneys with experience representing defendants in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(ii) Washington state association for justice, representing attorneys with experience representing plaintiffs in personal injury cases or wrongful death cases related to the issues raised by duty to warn cases;

(iii) Department of social and health services;

(iv) Washington academy of family physicians;

(v) Washington association for mental health treatment protection;

(vi) Office of the insurance commissioner;

(vii) Washington council for behavioral health;

(viii) Washington state hospital association;

(ix) Washington state medical association;

(x) Washington state psychiatric association;

(xi) Washington state psychological association;

(xii) Washington state society for clinical social work;

(xiii) Washington association of police chiefs and sheriffs;

(xiv) Victim support services;

(xv) NW health law advocates;

(xvi) National alliance on mental illness;

(xvii) American civil liberties union; and

(xviii) A sample of families who testified or presented evidence of their cases to the legislature.

(c) The University of Washington school of law shall consult each listed organization separately. Following collection and analysis of relevant data, they shall hold at least one meeting of all listed organizations to discuss the data, analysis, and recommendations. The University of Washington school of law must submit the final report to the appropriate committees of the legislature by December 1, 2017.

(26) \$85,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(27) To ensure transparency and accountability, in the 2017-2019 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.

(28) \$77,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the University of Washington school of environmental and forest sciences to pilot a program to advise and facilitate the activities of the Olympic peninsula forest collaborative.

(29)(a) \$172,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a University of Washington study in the south Cascades to determine current wolf use and density, and to gather baseline data to understand the effects of wolf recolonization on predator-prey dynamics of species that currently have established populations in the area. The study objectives shall include:

(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.

(30) \$1,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the University of Washington's psychiatry integrated care training program.

(31) \$200,000 of the geoduck aquaculture research account—state appropriation is provided solely for the Washington sea grant program at the University of Washington to complete a three-year study to identify best management practices related to shellfish production. The University of Washington must submit an annual report detailing any findings and outline the progress of the study, consistent with RCW 43.01.036, to the office of the governor and the appropriate legislative committees by December 1st of each year.

(32) \$3,000,000 of the general fund—state appropriation for fiscal year 2018 and \$6,000,000 of the general fund—state appropriation for fiscal year 2019 are provided on a one-time basis solely for compensation and central services costs. The funding provided shall temporarily replace a portion of tuition expenditures on central services and salaries and benefits for union-represented and nonrepresented employees. The additional funding provided in this section will permit the university to fund the incremental cost of compensation costs for all general fund—state and tuition-supported employees in equal amounts from general fund—state and tuition for the remainder of the 2017-2019 fiscal biennium.

(33) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the pre-law pipeline and social justice program at the University of Washington Tacoma.

(34) \$135,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Washington MESA to continue the First Nations MESA program in the Yakima Valley.

(35) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6514 (higher education behavioral health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(36) \$10,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed House Bill No. 2957 (nonnative finfish escape). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(37) \$81,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 603. 2017 3rd sp.s. c 1 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2018)	.....	(\$215,329,000)
		\$200,567,000
General Fund—State Appropriation (FY 2019)	.....	(\$227,266,000)
		\$212,381,000
WSU Building Account—State Appropriation	.....	\$792,000
Education Legacy Trust Account—State Appropriation	.....	\$33,995,000
Dedicated Marijuana Account—State Appropriation		
(FY 2018)	.....	\$138,000
Dedicated Marijuana Account—State Appropriation		
(FY 2019)	.....	\$138,000
<u>Pension Funding Stabilization Account—State</u>		
<u> Appropriation</u>	.....	\$30,983,000
TOTAL APPROPRIATION	.....	(\$477,658,000)
		\$478,994,000

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 2018 and \$90,000 of the general fund—state appropriation for fiscal year 2019 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 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 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) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$3,000,000 of the general fund—state appropriation for fiscal year 2018 and \$7,000,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the continued development and operations of a medical school program in Spokane.

~~(8) ((Within the funds appropriated in this section, Washington State University is required to provide administrative support to the sustainable aviation biofuels work group authorized under RCW 28B.30.904.~~

~~(9))~~ \$135,000 of the general fund—state appropriation for fiscal year 2018 and \$135,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for a honey bee biology research position.

~~((10) \$27,425,000))~~ (9) \$27,586,000 of the general fund—state appropriation for fiscal year 2018 and ~~(((\$27,973,000))~~ \$28,275,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

~~((11))~~ (10) \$230,000 of the general fund—state appropriation for fiscal year 2018 and \$376,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for chapter 202, Laws of 2017 (2SHB 1713) (children's mental health).

~~((12))~~ (11) \$300,000 of the general fund—state appropriation for fiscal year 2018 and \$300,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the William D. Ruckelshaus center to collaborate with groups and organizations, including associations of local governments, associations of the business, real estate and building industries, state agencies, environmental organizations, state universities, public health and planning organizations, and tribal governments, to create a "Road Map to Washington's Future." The road map shall identify areas of agreement on ways to adapt Washington's growth management framework of statutes, institutions, and policies to meet future challenges in view of robust forecasted growth and the unique circumstances and urgent priorities in the diverse regions of the state. The center shall, in conjunction with state universities and other sponsors, conduct regional workshops to:

(a) Engage Washington residents in identifying a desired statewide vision for Washington's future;

(b) Partner with state universities on targeted research to inform future alternatives;

(c) Facilitate deep and candid interviews with representatives of the above named groups and organizations; and

(d) Convene parties for collaborative conversations and potential agreement seeking.

The center must submit a final report to the appropriate committees of the legislature by June 30, 2019.

~~((13))~~ (12) \$580,000 of the general fund—state appropriation for fiscal year 2018 and \$580,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

~~((14))~~ (13) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2019-2021 fiscal biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

~~((15))~~ (14) \$760,000 of the general fund—state appropriation for fiscal year 2018 and \$760,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 159, Laws of 2017 (2SSB 5474) (elk hoof disease).

~~((16))~~ (15) \$630,000 of the general fund—state appropriation for fiscal 2018 and \$630,000 of the general fund—state appropriation for fiscal year 2019 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.

~~((17))~~ (16) \$1,370,000 of the general fund—state appropriation for fiscal year 2018 and \$1,370,000 of the general fund—state appropriation for fiscal year 2019 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.

~~((18))~~ (17) 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.

(18) \$768,000 of the general fund—state appropriation for fiscal year 2018 and \$504,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 36, Laws of 2017 3rd sp. sess. (renewable energy, tax incentives).

(19) \$89,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill

No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$58,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute House Bill No. 2580 (renewable natural gas). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(21) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the joint center for deployment and research in earth abundant materials.

(22) \$75,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington State University tree fruit research and extension center in Wenatchee to create a plan for expansion of graduate research in the greater Wenatchee Valley. This plan may include proposals for new research programs, new or expanded facilities, and other elements necessary to facilitate expansion of graduate research in the greater Wenatchee Valley.

(23) \$15,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(24) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the office of clean technology at Washington State University to convene a sustainable aviation biofuels work group to further the development of sustainable aviation fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in sustainable aviation biofuels research, development, production, and utilization. The work group must provide recommendations to the governor and the appropriate committees of the legislature before December 1, 2019.

(25) \$17,000 of the general fund—state appropriation for fiscal year 2018 and \$33,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the William D. Ruckelshaus center to provide meeting facilitation and related services for the legislative task force on legislative records as specified in section 925(4) of this act.

Sec. 604. 2017 3rd sp.s. c 1 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2018)	.....	(\$50,064,000)
		\$50,213,000
General Fund—State Appropriation (FY 2019)	.....	(\$51,985,000)
		\$52,015,000
Education Legacy Trust Account—State Appropriation	.....	\$16,598,000
TOTAL APPROPRIATION	.....	(\$118,647,000)
		\$118,826,000

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 2018 and at least \$200,000 of the general fund—state appropriation for fiscal year 2019 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) (~~(\$9,851,000)~~) \$9,909,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$10,048,000)~~) \$10,156,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(8) \$55,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(9) \$20,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 605. 2017 3rd sp.s. c 1 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2018)	(\$49,969,000)
	<u>\$48,136,000</u>
General Fund—State Appropriation (FY 2019)	(\$52,303,000)
	<u>\$50,646,000</u>
CWU Capital Projects Account—State Appropriation.	\$76,000
Education Legacy Trust Account—State Appropriation	\$19,076,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation.</u>	<u>\$3,921,000</u>
TOTAL APPROPRIATION	(\$121,424,000)
	<u>\$121,855,000</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) (~~(\$11,104,000)~~) \$11,169,000 of the general fund—state appropriation for fiscal year 2018 and (~~(\$11,326,000)~~) \$11,448,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(5) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(6) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(7) \$76,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the game on! program, which provides underserved middle and high school students with training in leadership, science, technology, engineering, and math. The program is expected to serve approximately 500 students per year.

(9) \$130,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Central Washington University to partner with the office of the lieutenant governor, and employers and labor representatives from the building and construction trades to create a bachelor's degree program for individuals who have completed or are completing certain registered apprenticeship programs. The program shall be inclusive of prior learning, specifically tailored to experience gained through apprenticeships and work in the building and construction trades, and use an affordable online delivery model. The program's financial model must be designed to make this degree program self-sustaining without state support.

(10) \$23,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

*Sec. 606. 2017 3rd sp.s. c 1 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund—State Appropriation (FY 2018)	.....	((\$26,543,000))
		<u>\$26,608,000</u>
General Fund—State Appropriation (FY 2019)	.....	((\$27,146,000))
		<u>\$28,126,000</u>
TESC Capital Projects Account—State Appropriation	.....	\$80,000
Education Legacy Trust Account—State Appropriation	.....	\$5,450,000

((Liquor Revolving Account—State Appropriation	\$250,000))
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation.....</u>	<u>\$2,000</u>
TOTAL APPROPRIATION	((<u>\$59,469,000))</u>
	<u>\$60,266,000</u>

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

(1) ~~((~~\$3,377,000)) \$3,397,000 of the general fund—state appropriation for fiscal year 2018 and ~~((~~\$3,445,000)) \$3,482,000 of the general fund—state appropriation for fiscal year 2019 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) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2017-19 work plan as necessary to efficiently manage workload.

(4) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

(5) \$33,000 of the general fund—state appropriation for fiscal year 2018 and ~~((~~\$65,000)) \$95,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 265, Laws of 2017 (SHB 1867) (ext. foster care transitions).

(6) \$62,000 of the general fund—state appropriation for fiscal year 2018 are provided solely for implementation of chapter 237, Laws of 2017 (ESHB 1115) (paraeducators).

(7) \$17,000 of the general fund—state appropriation for fiscal year 2018 and ~~((~~\$34,000)) \$41,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington institute for public policy to conduct a study regarding the implementation of certain aspects of the involuntary treatment act, pursuant to chapter 29, Laws of 2016, sp. sess. (E3SHB 1713).

(8) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(9) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(10) \$72,000 of the general fund—state appropriation for fiscal year 2018 and \$43,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington institute for public policy to update its previous meta-analysis on the effect of the national board for professional teaching standards certification on student outcomes by December 15, 2018. The institute shall also report on the following:

(a) Does the certification improve teacher retention in Washington state?;

(b) Has the additional bonus provided under RCW 28A.405.415 to certificated instructional staff who have attained national board certification to

work in high poverty schools acted as an incentive for such teachers to actually work in high poverty schools?; and

(c) Have other states provided similar incentives to achieve a more equitable distribution of staff with national board certification?

(11) ~~(\$122,000)~~ \$122,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$40,000)~~ \$141,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 244, Laws of 2015 (college bound).

(12) ~~(\$1,000)~~ \$7,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$1,000)~~ \$7,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of chapter 7, Laws of 2015, 3rd sp.s. (early start act).

~~((14))~~ (13) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

~~((15))~~ (14) \$16,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$22,000)~~ \$50,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amounts provided in this subsection shall lapse.

(15) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state institute for public policy to conduct a study of single payer and universal coverage health care systems. The institute may seek support from the office of the state actuary. The institute shall provide a report to the appropriate committees of the legislature by December 1, 2018. The study shall:

(a) Summarize the parameters used to define universal coverage, single payer, and other innovative systems;

(b) Compare the characteristics of up to ten universal or single payer models available in the United States or elsewhere; and

(c) Summarize any available research literature that examines the effect of models detailed in (b) of this subsection on outcomes such as overall cost, quality of care, health outcomes, or the uninsured rate. If possible, the institute shall conduct meta-analyses to address this subsection.

(16) \$56,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for data storage and security upgrades at the Washington state institute for public policy.

(17) \$27,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(18) \$150,000 of the general fund—state appropriation for fiscal year 2019 is provided to the Washington state institute for public policy solely for additional research related to marijuana. In addition to those activities performed pursuant to Initiative Measure No. 502, the institute must:

(a) Update the inventory of programs for the prevention and treatment of youth cannabis use published in December 2016; and

(b) Examine current data collection methods measuring use of cannabis by youth and report to the legislature on potential ways to improve data collection and comparisons; and

(c) To the extent information is available, identify effective methods used to reduce or eliminate the unlicensed cultivation or distribution of marijuana or marijuana containing products in jurisdictions with existing recreational and/or medical marijuana markets.

(19) \$37,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1561 (open educational resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(20) \$111,000 of the general fund—state appropriation for fiscal year 2018 and \$20,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 205, Laws of 2016 (2SHB 2449) (truancy reduction).

(21)(a) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington state institute for public policy shall conduct a statewide study on the needs of dually involved females. To the extent possible, the study must review available data for the following purposes:

(i) Understanding the prevalence and demographics of the dually involved female population and their families;

(ii) Tracking outcomes for this population including, but not limited to, academic, social, and vocational achievement; and

(iii) Surveying other states' systems that address and treat the needs of this population.

(b) To the extent possible, the data should be disaggregated by race and ethnicity, gender, sexual orientation and gender identity, county of residence, and other relevant variables.

(c) The study should include a cost-benefit analysis of programs for dually involved females that would show evidence of avoidance of costs associated with public welfare programs or would demonstrate higher educational attainment.

(d) By July 1, 2019, the Washington state institute for public policy shall submit its study findings to the legislative fiscal and policy committees with responsibility for child welfare and juvenile justice issues.

(22) \$57,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the Washington institute for public policy to conduct a review of the available research literature on step therapy protocol usage, including any rigorous evidence concerning positive or negative health outcomes resulting from step therapy protocol usage. The institute must also review any rigorous evidence regarding the effectiveness of exceptions to the use of step therapy in improving health outcomes and reducing adverse events, and provide a summary of step therapy protocol exceptions that have been codified in other states. The institute must submit a report on its findings to the appropriate committees of the senate and house of representatives by December 1, 2018.

(23)(a) \$25,000 of the general fund—state appropriation for fiscal year 2018 and \$55,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the Washington state institute of public policy to review the higher education funding models in ten states with higher education systems that are similar to Washington state, and report to the legislature by November 1, 2018. The review must include a breakdown of:

(i) The method used to determine state funding levels for institutions of higher education;

(ii) The proportion of state funding that comes from the state general fund or that state's equivalent accounts for salary and benefit increases at institutions of higher education;

(iii) The manner in which salary and benefit increases are determined at or on behalf of employees at institutions of higher education;

(iv) The total proportion of state funding that comes from the state general fund or that state's equivalent accounts for institutions of higher education.

(b) The office of financial management in consultation with the state board for community and technical colleges and the council of presidents, may use information in the report to present funding options to the legislature. The legislature shall consider any options that are made available by the office of financial management under this subsection when making future decisions about funding for salaries and benefits during the 2019-2021 biennium.

(24) \$124,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6029 (student loan bill of rights). If the bill is not enacted by June 30, 2018, the amounts provided in this subsection shall lapse.

**Sec. 606 was partially vetoed. See message at end of chapter.*

Sec. 607. 2017 3rd sp.s. c 1 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2018) . . . . .	..((\$70,456,000))
	\$70,475,000
General Fund—State Appropriation (FY 2019) . . . . .	..((\$72,950,000))
	\$74,825,000
Education Legacy Trust Account—State Appropriation	\$13,831,000
Western Washington University Capital Projects	
Account—State Appropriation (FY 2018)	\$771,000
Western Washington University Capital Projects Account—State	
Appropriation (FY 2019).	\$712,000
TOTAL APPROPRIATION . . . . .	..((\$158,720,000))
	\$160,614,000

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 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) \$630,000 of the general fund—state appropriation for fiscal year 2018 and \$630,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the computer and information systems security program located at Olympic college - Poulsbo. The university is expected to enroll 30 students each academic year beginning in fiscal year 2017. The university must

identify these students separately when providing data to the educational data centers as required in (1) of this section.

(3) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~(\$15,326,000)~~ \$15,416,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$15,632,000)~~ \$15,801,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) The appropriations in this section include sufficient funding for the implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(6) The appropriations in this section include sufficient funding for the implementation of chapter 177, Laws of 2017 (SSB 5100) (financial literacy seminars).

(7) \$500,000 of the general fund—state appropriation for fiscal year 2018 and \$500,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for programs or initiatives designed to improve student academic success and increase degree completion.

(8) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(9) \$39,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2009 (gold star families/higher education). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(10) \$700,000 of the general fund—state appropriation for fiscal year 2019 is 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.

(11) \$70,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for a study of the feasibility of the university creating a four-year degree-granting campus on the Kitsap or Olympic peninsula. The university shall submit a report on the findings of the study to the governor and appropriate committees of the legislature by December 2018.

(12) \$24,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Senate Bill No. 5028 (Native American curriculum). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$1,306,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for Western Washington University to develop a new program in marine, coastal, and watershed sciences.

Sec. 608. 2017 3rd sp.s. c 1 s 612 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION

General Fund—State Appropriation (FY 2018)~~(\$5,640,000)~~
\$5,373,000

General Fund—State Appropriation (FY 2019)~~(\$5,791,000)~~

	<u>\$6,704,000</u>
General Fund—Federal Appropriation	((\$4,892,000))
	<u>\$4,890,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$535,000</u>
TOTAL APPROPRIATION	((\$16,323,000))
	<u>\$17,502,000</u>

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

(1) \$20,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for administrative costs to implement the expansion of the college bound scholarship program for foster youth, pursuant to Engrossed Substitute Senate Bill No. 5890 (foster care and adoption). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse.

(2) \$363,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2143 (higher education financial aid). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(3) \$126,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for the consumer protection unit.

(4) \$245,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6029 (student loan bill of rights). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(5) \$15,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 1499 (student loan disbursement). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$444,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 609. 2017 3rd sp.s. c 1 s 613 (uncodified) is amended to read as follows:

FOR THE STUDENT ACHIEVEMENT COUNCIL—OFFICE OF STUDENT FINANCIAL ASSISTANCE

General Fund—State Appropriation (FY 2018)	((\$238,397,000))
	<u>\$238,388,000</u>
General Fund—State Appropriation (FY 2019)	((\$242,726,000))
	<u>\$262,875,000</u>
General Fund—Federal Appropriation	((\$11,906,000))
	<u>\$11,903,000</u>
General Fund—Private/Local Appropriation	<u>\$300,000</u>
Education Legacy Trust Account—State Appropriation	((\$99,955,000))
	<u>\$104,291,000</u>
WA Opportunity Pathways Account—State	
Appropriation	((\$117,389,000))
	<u>\$122,350,000</u>

Aerospace Training Student Loan Account—State	
Appropriation	\$208,000
Health Professionals Loan Repayment and Scholarship	
Program Account—State Appropriation	\$4,720,000
<u>Pension Funding Stabilization Account—State Appropriation</u>	
	<u>\$18,000</u>
TOTAL APPROPRIATION	
	<u>(\$715,601,000)</u>
	<u>\$745,053,000</u>

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

(1) \$229,157,000 of the general fund—state appropriation for fiscal year 2018, (~~(\$233,928,000)~~ \$252,428,000 of the general fund—state appropriation for fiscal year 2019, \$69,376,000 of the education legacy trust account—state appropriation, and \$88,000,000 of the Washington opportunity pathways account—state appropriation are provided solely for student financial aid payments under the state need grant and state work study programs, including up to four percent administrative allowance for the state work study program.

(2)(a) For the 2017-2019 fiscal biennium, state need grant awards given to private for-profit institutions shall be the same amount as the prior year.

(b) For the 2017-2019 fiscal biennium, grant awards given to private four-year not-for-profit institutions shall be set at the same level as the average grant award for public research universities. Increases in awards given to private four-year not-for-profit institutions shall align with annual tuition increases for public research institutions.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2017-2019 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) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Of the amounts provided in subsection (1) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2018 and \$100,000 of the general fund—state appropriation for fiscal year 2019 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(6) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound

students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100 percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(7) ~~(\$15,849,000)~~ \$15,849,000 of the education legacy trust account—state appropriation and ~~(\$29,389,000)~~ \$34,350,000 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 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.

(8) ~~(\$2,236,000)~~ \$2,236,000 of the general fund—state appropriation for fiscal year 2018 and ~~(\$2,236,000)~~ \$2,795,000 of the general fund—state appropriation for fiscal year 2019 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 2018 and 2019 for this purpose. Of the amounts in this subsection, \$559,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Second Substitute Senate Bill No. 6274 (apprenticeships/foster). If the bill is not enacted by June 30, 2018, this portion of the amount provided in this subsection shall lapse.

(9) ~~(\$14,730,000)~~ \$19,066,000 of the education legacy trust account—state appropriation is 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.

(10) ~~\$2,325,000~~ \$2,325,000 of the general fund—state appropriation for fiscal year 2018 and ~~\$2,325,000~~ \$2,325,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts and \$4,720,000 appropriated from the health professionals loan repayment and scholarship program account 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 2019-2021 biennium on the basis of these contractual obligations.

(11) \$42,000 of the general fund—state appropriation for fiscal year 2018 and \$42,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for the council to design and implement a program that provides customized information to high-achieving (as determined by local school districts), low-income, high school students. "Low-income" means students who are from low-income families as defined by the education data center in RCW 43.41.400. For the purposes of designing, developing, and implementing the program, the council shall partner with a national entity that offers aptitude tests and shall consult with institutions of higher education with a physical location in Washington. The council shall implement the program no later than fall 2016, giving consideration to spring mailings in order to capture early action decisions offered by institutions of higher education and nonprofit baccalaureate degree-granting institutions. The information packet for students must include at a minimum:

- (a) Materials that help students to choose colleges;
- (b) An application guidance booklet;
- (c) Application fee waivers, if available, for four-year institutions of higher education and independent nonprofit baccalaureate degree-granting institutions in the state that enable students receiving a packet to apply without paying application fees;
- (d) Information on college affordability and financial aid that includes information on the net cost of attendance for each four-year institution of higher education and each nonprofit baccalaureate degree-granting institution, and information on merit and need-based aid from federal, state, and institutional sources; and
- (e) A personally addressed cover letter signed by the governor and the president of each four-year institution of higher education and nonprofit baccalaureate degree-granting institution in the state.

(12) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of House Bill No. 1452 (opportunity scholarship program). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(13) \$500,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6514 (higher

education behavioral health). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(14) \$100,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1561 (open educational resources). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 610. 2017 3rd sp.s. c 1 s 614 (uncodified) is amended to read as follows:

FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation (FY 2018)	(\$1,881,000)
	<u>\$1,844,000</u>
General Fund—State Appropriation (FY 2019)	(\$1,795,000)
	<u>\$1,994,000</u>
General Fund—Federal Appropriation	(\$55,279,000)
	<u>\$55,275,000</u>
General Fund—Private/Local Appropriation	\$208,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation.</u>	<u>\$176,000</u>
TOTAL APPROPRIATION	(\$59,163,000)
	<u>\$59,497,000</u>

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

(1) For the 2017-2019 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) The health workforce council of the state workforce training and education coordinating board, in partnership with work underway with the office of the governor, shall, within resources available for such purpose, but not to exceed \$250,000, assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs. The board will continue its work and submit final recommendations in calendar year 2017.

(3) \$22,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 154, Laws of 2017 (SSB 5022) (education loan information).

(4) \$114,000 of the general fund—state appropriation for fiscal year 2018 and \$57,000 of the general fund—state appropriation for fiscal year 2019 are provided solely for implementation of chapter 182, Laws of 2017 (2SSB 5285) (workforce employment sectors study).

(5) \$29,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1439 (higher education student protection). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(6) \$260,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6544 (future of work task force). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

Sec. 611. 2017 3rd sp.s. c 1 s 615 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund—State Appropriation (FY 2018)	(\$119,174,000)
	\$116,761,000
General Fund—Federal Appropriation	(\$171,032,000)
	\$171,479,000
Education Legacy Trust Account—State Appropriation	\$14,091,000
Home Visiting Services Account—State Appropriation	\$3,133,000
Home Visiting Services Account—Federal Appropriation	\$12,153,000
WA Opportunity Pathways Account—State Appropriation	\$40,000,000
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	\$468,000
TOTAL APPROPRIATION	(\$359,583,000)
	\$358,085,000

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

(1) \$58,185,000 of the general fund—state appropriation for fiscal year 2018, \$12,125,000 of the education legacy trust account—state appropriation, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 12,491 slots in fiscal year 2018.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2018 is provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3)(a) 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. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(b)(i) If the department receives additional federal child care and development funding while the legislature is not in session, the department shall request a federal allotment adjustment through the unanticipated receipts process defined in RCW 43.79.270 and shall prioritize its request based on the following priorities:

(A) Increasing child care rates comparable to market rates based on the most recent market survey;

(B) Increasing access to infant and toddler child care;

(C) Increasing access to child care in geographic areas where supply for subsidized child care does not meet the demand;

(D) Providing nurse consultation services to licensed providers;

(E) Allowing working connections child care consumers who are full-time community or technical college students to attend college full-time and not have to meet work requirements; and

(F) Meeting new or expanded federal mandates.

(ii) The secretary of the department shall consult with the chairs and ranking members of the appropriate policy committees of the legislature prior to submitting the unanticipated receipt.

(4)(a) (~~(\$76,650,000)~~ \$78,026,000) of the general fund—federal appropriation is provided solely for the working connections child care program under RCW 43.215.135. In order to not exceed the appropriated amount, the department shall manage the program so that the average monthly caseload does not exceed 33,000 households. The department shall give prioritized access into the program according to the following order:

(i) Families applying for or receiving temporary assistance for needy families (TANF);

(ii) TANF families curing sanction;

(iii) Foster children;

(iv) Families that include a child with special needs;

(v) Families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center;

(vi) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from the department of social and health services in the past six months, and has received a referral for child care as part of the family's case management; and

(vii) Families that received subsidies within the last thirty days and:

(A) Have reapplied for subsidies; and

(B) Have household income of two hundred percent federal poverty level or below; and

(viii) All other eligible families.

(b) The department of early learning and the department of social and health services must take immediate action to reduce fraud and overpayments in the working connections child care program. By December 1, 2017, the department must adopt rules to:

(i) Require verification of the applicant's household composition in determining eligibility for the working connections child care program. At a minimum, the department of social and health services must consult agency records for the temporary assistance for needy families program, food assistance, medical assistance, and child support enforcement to verify the applicant's household composition and other applicable eligibility criteria whenever possible. In cases where only one parent's name appears on the application and the department of social and health services cannot verify an open child support case or verify household composition through internal agency records, then the applicant must:

(A) Provide the name and address of the other parent or indicate, under penalty of perjury, that the other parent's identity or address are unknown to the applicant; and

(B) Document the presence or absence of the other parent through acceptable documentation as defined by the department in rule.

The department must exempt an applicant from providing information about the other parent if the department of social and health services determines the applicant has good cause not to cooperate. For the purposes of this subsection, "good cause" must include, at a minimum, consideration of the safety of domestic violence victims;

(ii) Authorize working connections child care payments to licensed and certified providers and in-home relative child care providers serving eligible consumers who participate in one hundred ten hours or more of approved work or related activities per calendar month within the following categories: (A) Full day care for a non-school-age child, (B) half-day care for a school-age child during the school year, and (C) full day care for a school-age child during school holidays;

(iii) Define the occurrence of fraud, an intentional program violation, an unintentional program violation and an administrative error;

(iv) Outline the administrative process for determining fraud or an intentional program violation; and

(v) Define the progressive disqualification process for providers who commit fraud or intentional program violation(s).

(c) The department, in collaboration with the department of social and health services, must submit a preliminary report by December 1, 2017, and a final report by December 1, 2018, to the governor and the appropriate fiscal and policy committees of the legislature on quality control measures for the working connections child care program. The reports must each include:

(i) A detailed narrative of the procurement and implementation of an improved time and attendance system, including a detailed accounting of the costs of procurement and implementation;

(ii) A comprehensive description of all processes, including computer algorithms and additional rule development, that the department and the department of social and health services plan to establish prior to and after full implementation of the time and attendance system. At a minimum, processes must be designed to:

(A) Ensure the department's auditing efforts are informed by regular and continuous alerts of the potential for overpayments;

(B) Avoid overpayments to the maximum extent possible and expediently recover overpayments that have occurred;

(C) Withhold payment from providers when necessary to incentivize receipt of the necessary documentation to complete an audit;

(D) Establish methods for reducing future payments or establishing repayment plans in order to recover any overpayments;

(E) Sanction providers, including termination of eligibility, who commit intentional program violations or fail to comply with program requirements, including compliance with any established repayment plans;

(F) Consider pursuit of prosecution in cases with fraudulent activity; and

(iii) A description of the process by which fraud is identified and how fraud investigations are prioritized and expedited.

(d) Beginning July 1, 2018, and annually thereafter, the department, in collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

(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.

(5) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst 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.

(6) \$1,560,000 of the general fund—state appropriation for fiscal year 2018 and \$6,712,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(7) \$4,674,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall ensure that contracted providers pursue receipt of federal funding associated with the early support for infants and toddlers program. Priority for services shall be given to children referred from the department of social and health services children's administration.

(8) (~~(\$44,663,000)~~) \$42,707,000 of the general fund—state appropriation for fiscal year 2018 and \$13,954,000 of the general fund—federal appropriation are provided solely to maintain the requirements set forth in chapter 7, Laws of 2015 3rd sp. sess. The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In its annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements. Of the amounts provided in this subsection, \$386,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a six percent base rate increase for child care center providers.

(9) \$1,728,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(10) \$300,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(11) \$2,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(12) \$7,979,000 of the general fund—federal appropriation for fiscal year 2018 is provided solely for the department to procure a time and attendance system and are subject to the conditions, limitations, and review provided in section 724 of this act.

(13) 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 early learning are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(14)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) 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.

(iii) 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.

(iv) 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 by November 2017 for the school year ending in 2016 and again in March 2018 for the school year ending in 2017.

(b) 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.

(15) 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.

(16) \$2,651,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the 2017-2019 collective bargaining agreement covering family child care providers as set forth in section 940 of this act. Funding is contingent upon enactment of Senate Bill No. 5969 (transparency in public employee collective bargaining). If the bill is not enacted by July 31, 2017, the amount provided in this subsection shall lapse. Of the amounts provided in this subsection:

(a) \$273,000 is for a base rate increase;

(b) \$55,000 is for increasing paid professional development days from three days to five days;

(c) \$1,708,000 is for the family child care providers 501c3 organization for the substitute pool, training and quality improvement support services, and administration;

(d) \$114,000 is for increasing licensing incentive payments; and

(e) \$500,000 is for needs based grants.

(17) \$175,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the department to contract with a nonprofit entity that provides quality improvement services to participants in the early achievers program to implement a community-based training module that supports licensed child care providers who have been rated in early achievers and who are specifically interested in serving children in the early childhood education and assistance program. The module must be functionally translated into Spanish and Somali. The module must prepare trainees to administer all aspects of the early childhood education and assistance program for eligible children in their licensed program and must be offered to 105 child care providers to serve children eligible for the early childhood education and assistance program by June 30, 2019.

(18) \$750,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for the implementation of the early achievers expanded learning opportunity quality initiative pursuant to RCW 43.215.100(3)(d).

(19) \$267,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 236, Laws of 2017 (SHB 1445) (dual language in early learning & K-12).

(20) \$100,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 202, Laws of 2017 (E2SHB 1713) (children's mental health).

(21) \$5,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for a child care workforce development technical work group to develop recommendations to support increased child care workforce wages, reduce turnover, enable child care providers to recruit more qualified educators, and maintain the diversity of the current workforce.

(a) The department shall convene and provide staff support for the technical work group. The department shall consult with advocates and stakeholders of the early learning workforce when selecting members for the technical work group. Membership of the work group must consist of representatives from the following organizations and entities:

(i) The statewide child care resource and referral network;

- (ii) The department;
- (iii) The department of commerce;
- (iv) The economic opportunity institute;
- (v) A coalition of organizations representing nonprofits, professional associations, businesses, and industries in early learning;
- (vi) The state board for community and technical colleges;
- (vii) A union representing child care workers;
- (viii) The small business administration;
- (ix) A member consisting of either an economist or a representative of the workforce development councils;
- (x) A representative from an early childhood education and assistance program;
- (xi) A representative from a nonprofit child care center;
- (xii) A representative from a private child care center; and
- (xiii) A representative from an organization that provides culturally responsive services for early learning programs in communities with high numbers of families whose primary language is not English.

(b) Members of the work group may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Funding in this subsection is provided solely for travel reimbursement of work group members and other costs to conduct the meetings. Funding provided in this subsection may not be used to contract for facilitation.

(c) The work group shall issue a report with recommendations and an implementation plan to the governor and appropriate committees of the legislature by December 1, 2018.

(22) \$317,000 of the general fund—state appropriation for fiscal year 2018 is provided solely for implementation of chapter 162, Laws of 2017 (SSB 5357) (outdoor early learning programs).

(23)(a) During the 2017-2019 fiscal biennium, the department must revise its agreements and contracts with vendors to include a provision to require that each vendor agrees to equality among its workers by ensuring similarly employed individuals are compensated as equals as follows:

(i) Employees are similarly employed if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;

(ii) Vendors may allow differentials in compensation for its workers based in good faith on any of the following:

(A) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.

(B) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience, that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.

(C) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

(b) The provision must allow for the termination of the contract if the department or department of enterprise services determines that the vendor is not in compliance with this agreement or contract term.

(c) The department must implement this provision with any new contract and at the time of renewal of any existing contract.

Sec. 612. 2017 3rd sp.s. c 1 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2018)	.....(((\$6,976,000))	
		<u>\$6,977,000</u>
General Fund—State Appropriation (FY 2019)	.....(((\$7,427,000))	
		<u>\$7,569,000</u>
General Fund—Private/Local Appropriation	.....	\$34,000
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>		<u>\$591,000</u>
TOTAL APPROPRIATION	.....(((\$14,437,000))	<u>\$15,171,000</u>

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 nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 613. 2017 3rd sp.s. c 1 s 617 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund—State Appropriation (FY 2018)	.....(((\$10,646,000))	
		<u>\$10,293,000</u>
General Fund—State Appropriation (FY 2019)	.....(((\$11,679,000))	
		<u>\$11,564,000</u>
<u>Pension Funding Stabilization Account—State</u>		
<u>Appropriation</u>		<u>\$727,000</u>
TOTAL APPROPRIATION	.....(((\$22,325,000))	<u>\$22,584,000</u>

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 to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

Sec. 614. 2017 3rd sp.s. c 1 s 618 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2018)	.....(((\$1,497,000))	
		<u>\$1,418,000</u>
General Fund—State Appropriation (FY 2019)	.....(((\$1,514,000))	

	<u>\$1,572,000</u>
General Fund—Federal Appropriation	((\$2,124,000))
	<u>\$2,122,000</u>
General Fund—Private/Local Appropriation	((\$16,000))
	<u>\$50,000</u>
<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$122,000</u>
TOTAL APPROPRIATION	((\$5,151,000))
	<u>\$5,284,000</u>

The appropriations in this section are subject to the following conditions and limitations: ~~((~~\$78,000~~))~~ \$58,000 of the general fund—state appropriation for fiscal year 2018 and ~~((~~\$78,000~~))~~ \$98,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to implement chapter 240, Laws of 2017 (creative districts).

Sec. 615. 2017 3rd sp.s. c 1 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2018)	((\$2,505,000))
	<u>\$2,474,000</u>
General Fund—State Appropriation (FY 2019)	((\$2,603,000))
	<u>\$2,833,000</u>

<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$230,000</u>
TOTAL APPROPRIATION	((\$5,108,000))
	<u>\$5,537,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$22,000 of the general fund—state appropriation for fiscal year 2018 and \$138,000 of the general fund—state appropriation for fiscal year 2019 are provided solely to commemorate the centennial of national women's suffrage.

Sec. 616. 2017 3rd sp.s. c 1 s 620 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2018)	((\$1,991,000))
	<u>\$1,926,000</u>
General Fund—State Appropriation (FY 2019)	((\$2,044,000))
	<u>\$2,092,000</u>

<u>Pension Funding Stabilization Account—State</u>	
<u>Appropriation</u>	<u>\$213,000</u>
TOTAL APPROPRIATION	((\$4,035,000))
	<u>\$4,231,000</u>

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2017 3rd sp.s. c 1 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund—State Appropriation (FY 2018)	.....	(\$1,133,223,000)
		<u>\$1,115,140,000</u>
General Fund—State Appropriation (FY 2019)	.....	(\$1,190,324,000)
		<u>\$1,164,747,000</u>
State Building Construction Account—State Appropriation	.....	\$6,456,000
Columbia River Basin Water Supply—State Appropriation	.....	\$79,000
State Taxable Building Construction Account—State		
Appropriation	.....	\$376,000
Debt-Limit Reimbursable Bond Retire Account—State		
Appropriation	.....	\$570,000
TOTAL APPROPRIATION	.....	(\$2,331,028,000)
		<u>\$2,287,368,000</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. 702. 2017 3rd sp.s. c 1 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 2018)	.....	\$1,400,000
General Fund—State Appropriation (FY 2019)	.....	\$1,400,000
((Hood Canal Aquatic Rehabilitation—State		
 Appropriation	.....	\$1,000)
State Building Construction Account—State		
Appropriation	.....	\$2,191,000
Columbia River Basin Water Supply—State Appropriation	.....	\$58,000
Columbia River Basin Taxable Bond Water		
Supply—State Appropriation	.....	\$14,000
State Taxable Building Construction Account—State		
Appropriation	.....	\$150,000
TOTAL APPROPRIATION	.....	(\$5,214,000)
		<u>\$5,213,000</u>

NEW SECTION. Sec. 703. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2018, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

(1) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (a) John Weiler, claim number 99970144 \$7,975

- (b) Samson Asfaw, claim number 99970145.....\$18,873
- (c) Kevon Turner, claim number 99970147.....\$9,750
- (d) Arthur Eshe, claim number 99970148.....\$12,900
- (e) Woody J. Pierson, claim number 99970235.....\$19,789
- (f) Steve Sainsbury, claim number 99970236.....\$10,000

(2) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for payment of compensation for wrongful convictions pursuant to RCW 4.100.060, as follows:

Robert Larson, Tyler Gassman, and Paul Statler, claim numbers 99970072-99970074.....\$79,000

NEW SECTION. Sec. 704. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—SCHOOL EMPLOYEES' INSURANCE ADMINISTRATIVE ACCOUNT

General Fund—State Appropriation (FY 2018).....	\$11,307,000
General Fund—State Appropriation (FY 2019).....	\$17,423,000
TOTAL APPROPRIATION.....	\$28,730,000

The appropriation in this section is 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 school employees' insurance administrative account for start-up costs for the school employees' benefits program pursuant to chapter 13, Laws of 2017 3rd sp. sess. It is the intent of the legislature that this amount, plus interest as determined by the treasurer, be repaid to the general fund—state during the 2019-2021 fiscal biennium.

Sec. 705. 2017 3rd sp.s. c 1 s 708 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—COUNTY PUBLIC HEALTH ASSISTANCE

General Fund—State Appropriation (FY 2018)	\$36,386,000
General Fund—State Appropriation (FY 2019)	\$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 2018	FY 2019	2017-2019 Biennium
((Adams County Health District)) <u>Adams County Integrated Health Care Services</u>	\$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 Health District)) <u>Clark County Public Health</u>	\$1,767,341	\$1,767,341	\$3,534,682
((Skamania County Health Department)) <u>Skamania County Community Health</u>	\$111,327	\$111,327	\$222,654
Columbia County Health District	\$119,991	\$119,991	\$239,982
((Cowlitz County Health Department)) <u>Cowlitz County Health and Human Services</u>	\$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 Health Department)) <u>Grays Harbor Public Health and Social Services</u>	\$335,666	\$335,666	\$671,332
Island County Health Department	\$255,224	\$255,224	\$510,448
((Jefferson County Health and Human Services)) <u>Jefferson County Public Health</u>	\$184,080	\$184,080	\$368,160
((Seattle King County Department of Public Health)) <u>Public Health - Seattle & King County</u>	\$12,685,521	\$12,685,521	\$25,371,042
((Bremerton Kitsap County Health District)) <u>Kitsap Public Health District</u>	\$997,476	\$997,476	\$1,994,952
Kittitas County <u>Public Health</u> ((Department))	\$198,979	\$198,979	\$397,958
Klickitat County <u>Public Health</u> ((Department))	\$153,784	\$153,784	\$307,568
((Lewis County Health Department)) <u>Lewis County Public Health and Social Services</u>	\$263,134	\$263,134	\$526,268
Lincoln County Health Department	\$113,917	\$113,917	\$227,834
((Mason County Department of Health Services)) <u>Mason County Public Health and Human Services</u>	\$227,448	\$227,448	\$454,896
((Okanogan County Health District)) <u>Okanogan County Public Health</u>	\$169,882	\$169,882	\$339,764
((Pacific County Health Department)) <u>Pacific County Health and Human Services</u>	\$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 County Health District)) <u>Spokane Regional Health District</u>	\$2,877,318	\$2,877,318	\$5,754,636
Northeast Tri-County Health District	\$249,303	\$249,303	\$498,606

Health District	FY 2018	FY 2019	2017-2019 Biennium
((Thurston County Health Department)) <u>Thurston County Public Health and Social Services</u>	\$1,046,897	\$1,046,897	\$2,093,794
((Wahkiakum County Health Department)) <u>Wahkiakum County Health and Human Services</u>	\$93,181	\$93,181	\$186,362
((Walla Walla County City Health Department)) <u>Walla Walla County Department of Community Health</u>	\$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
TOTAL APPROPRIATIONS	\$36,386,000	\$36,386,000	\$72,772,000
	0	0	

Sec. 706. 2017 3rd sp.s. c 1 s 720 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT

General Fund—State Appropriation (FY 2018)	\$5,000,000
<u>General Fund—State Appropriation (FY 2019)</u>	<u>\$4,000,000</u>
<u>TOTAL APPROPRIATION</u>	<u>\$9,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program.

Sec. 707. 2017 3rd sp.s. c 1 s 721 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME VISITING SERVICES ACCOUNT

General Fund—State Appropriation (FY 2018)	\$691,000
General Fund—State Appropriation (FY 2019)	(\$744,000)
	<u>\$3,043,000</u>
<u>TOTAL APPROPRIATION</u>	<u>(\$1,435,000)</u>
	<u>\$3,734,000</u>

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.

Sec. 708. 2017 3rd sp.s. c 1 s 722 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—HEALTH PROFESSIONS ACCOUNT

Dedicated Marijuana Account—State Appropriation (FY 2018)	(\$352,000)
	<u>\$2,652,000</u>

Dedicated Marijuana Account—State Appropriation

(FY 2019)	\$352,000
TOTAL APPROPRIATION	(\$704,000)
	<u>\$3,004,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the health professions account to reimburse the account for costs incurred by the department of health for the development and administration of the marijuana authorization database.

Sec. 709. 2017 3rd sp.s. c 1 s 723 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—LEASE COST POOL

General Fund—State Appropriation (FY 2018)	(\$9,712,000)
	<u>\$5,312,000</u>
<u>General Fund—State Appropriation (FY 2019)</u>	<u>\$4,400,000</u>
General Fund—Federal Appropriation	\$2,431,000
TOTAL APPROPRIATION	\$12,143,000

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

(1) The appropriations in this section are provided solely for expenditure into the state agency office relocation pool account (~~created in section 949 of this act for state agency office relocation costs as shown in LEAP omnibus document LEAS2-2017, dated March 14, 2017, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with office relocations contained in LEAP omnibus document LEAS-2017, dated March 14, 2017, the state treasurer is directed to transfer moneys from other funds and accounts in an amount not to exceed \$2,431,000 to the lease cost pool in accordance with schedules provided by the office of financial management~~)).

(2) Agencies may apply to the office of financial management to receive funds from the state agency office relocation pool account in an amount not to exceed the actual costs for the office relocations.

NEW SECTION. **Sec. 710.** 2017 3rd sp.s. c 1 s 737 (uncodified) is repealed.

NEW SECTION. **Sec. 711.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL INFORMATION SYSTEMS ACCOUNT

General Fund—State Appropriation (FY 2019)	\$2,665,000
--	-------------

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the judicial information systems account.

NEW SECTION. **Sec. 712.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—JUDICIAL STABILIZATION TRUST ACCOUNT

General Fund—State Appropriation (FY 2019) \$1,600,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the judicial stabilization trust account.

Sec. 713. 2017 3rd sp.s. c 1 s 724 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL

General Fund—State Appropriation (FY 2018)	\$6,000,000
General Fund—State Appropriation (FY 2019)	\$8,226,000
General Fund—Federal Appropriation	\$816,000
<u>Other Appropriated Funds</u>	<u>\$103,000</u>
<u>TOTAL APPROPRIATION</u>	<u>\$15,145,000</u>

(1) The appropriations in this section (~~(is)~~) are provided solely for expenditure into the information technology investment revolving account created in (~~(section 950 of this act)~~) RCW 43.41.433.

(a) Amounts in the account are provided solely for the following information technology projects:

- (i) Department of services for the blind - business management system;
- (ii) Secretary of state - modernize elections system;
- (iii) Office of the superintendent of public instruction - school financial system redesign;
- (iv) Department of social and health services - time, leave, attendance scheduling;
- (v) Human rights commission - new case management database;
- (vi) Department of health - syringe service data tracking;
- (vii) Department of fish and wildlife - enforcement records management;
- (viii) Department of fish and wildlife - rebuild WDFW network infrastructure;
- (ix) Washington state patrol - dedicated state network;
- (x) Office of the superintendent of public instruction - data center migration;
- (xi) Office of the superintendent of public instruction - web site upgrade for ADA compliance.

(b) To facilitate the transfer of moneys from other funds and accounts that are associated with projects listed in (a)(i) through (~~(iii)~~) (xi) of this subsection, the state treasurer must 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.

(2) Agencies may apply to the office of financial management to receive funding from the information technology investment revolving account.

(3) Agencies must apply to the office of the state chief information officer for approval before proceeding with each stage of a project subject to this section. At each stage, the office of the state chief information officer must certify that the project complies with state information technology and security policy and strategies. Allocations and allotments may be made only during discrete stages of projects, which at a minimum must include a planning stage,

procurement stage, and implementation and integration stage. Prior to an allocation or allotment of funds to an agency, the office of financial management, jointly with the office of the chief information officer, must deliver to the legislative fiscal committees the following information for each project receiving an allocation:

(a) 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. If the project affects more than one agency, a technology budget must be prepared for each agency;

(b) The technology implementation 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; and

(iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product.

(c) A letter from the office of the chief information officer certifying that:

(i) The project is consistent with the state's enterprise architecture and other policies developed by the office of the chief information officer;

(ii) The agency has the organizational capacity, preparedness, and leadership to implement the project successfully;

(iii) The agency has adequately assessed and minimized the risks inherent with the project;

(iv) The project has the management, staffing, and oversight resources needed for the cost, complexity, and risks associated with the project;

(v) The project has implementation schedules and performance measures for timeliness, deliverables, quality, and budget;

(vi) The agency has an adequate risk management plan that also enables the office of the chief information officer to assess, intervene, and take necessary action when performance measures are not being met; and

(vii) For any investment that does not use commercial off-the-shelf or software as a service technology solution, the proposed project represents the best business solution and should not be delayed.

(4) 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:

(i) Quality assurance for the project must report independently to the office of the chief information officer;

(ii) 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;

(iii) 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;

(iv) 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

(v) 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.

(5) The office of the chief information officer may suspend or terminate a 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. Once suspension or termination occurs, the agency shall not make additional expenditures on the project without approval of the state chief information officer. If a project is terminated, the office of financial management must terminate the agency's allocation from the information technology investment revolving account and the agency shall return any remaining funds to the account to be reallocated to other projects by the office of financial management.

(6) 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.

NEW SECTION. Sec. 714. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES—FOREST FIRE PROTECTION ASSESSMENT ACCOUNT

Forest Fire Protection Assessment Account—State

Appropriation (FY 2019) \$1,690,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of natural resources to increase fire response capability, including upgrading information technology systems and equipment for wildfire and forest health data, training department and fire service personnel, adding fire management staff, and replacing aviation fuel trucks and fire engines.

Sec. 715. 2017 3rd sp.s. c 1 s 718 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—OUTDOOR EDUCATION AND RECREATION ACCOUNT

General Fund—State Appropriation (FY 2018) \$750,000

General Fund—State Appropriation (FY 2019) \$750,000

TOTAL APPROPRIATION \$1,500,000

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 account for the state parks and recreation commission's outdoor education and recreation program purposes identified in RCW 79A.05.351. Of the amounts appropriated, \$500,000 is provided solely to partner with organizations that employ at least one veteran.

Sec. 716. 2017 3rd sp.s. c 1 s 718 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS— CONTRIBUTIONS TO RETIREMENT SYSTEMS

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.

(1) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2018)	\$70,050,000
General Fund—State Appropriation (FY 2019)	(\$73,350,000)
	<u>\$73,650,000</u>
TOTAL APPROPRIATION	(\$143,400,000)
	<u>\$143,700,000</u>

The appropriations in this subsection (1) are subject to the following conditions and limitations: \$3,000,000 of the general fund—state appropriation for fiscal year 2019 is provided solely for implementation of Substitute Senate Bill No. 6214 (industrial insurance for PTSD). If the bill is not enacted by June 30, 2018, the amount provided in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2018)	\$8,700,000
General Fund—State Appropriation (FY 2019)	\$8,400,000
TOTAL APPROPRIATION	\$17,100,000

(3) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2018)	\$500,000
General Fund—State Appropriation (FY 2019)	\$500,000
TOTAL APPROPRIATION	\$1,000,000

NEW SECTION. Sec. 717. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE GAMBLING COMMISSION

General Fund—State Appropriation (FY 2019)	\$50,000
--	----------

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is for the gambling commission to contract for a study to analyze the scope of services available for pathological or problem gamblers and their families in the state. The commission will set the parameters of the study which may include, but not be limited to: (1) The availability of prevention programs and services offered within the state; (2) the availability of treatment programs and services offered for individuals with gambling-related problems and their families; and (3) strengths and deficits in problem gambling programs and services. Distribution of these funds is contingent upon securing additional funding for the study from the commission and other governmental or private sources to provide at least one dollar in matching funds for each dollar in state funds received by the commission. The

gambling commission shall submit results of the study and any policy recommendations to the legislative committees of jurisdiction by February 15, 2019.

NEW SECTION. Sec. 718. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM

General Fund—State Appropriation (FY 2019)	\$2,900,000
Special Retirement Contribution Increase Revolving Account—State Appropriation	(\$1,900,000)
TOTAL APPROPRIATION	\$1,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for allocation to state agencies for costs of revised eligibility criteria for the public safety employees' retirement system as provided in Substitute House Bill No. 1558 (public safety employees retirement system membership). If the bill is not enacted by June 30, 2018, the appropriations in this section shall lapse.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2017 3rd sp.s. c 1 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	(\$9,731,000)	<u>\$9,730,000</u>
General Fund Appropriation for prosecuting attorney distributions	(\$6,786,000)	<u>\$6,643,000</u>
General Fund Appropriation for boating safety and education distributions.	\$4,000,000	
General Fund Appropriation for public utility district excise tax distributions	(\$60,611,000)	<u>\$30,230,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies.	(\$3,556,000)	<u>\$3,135,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$140,000	
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	(\$77,367,000)	<u>\$68,009,000</u>
County Criminal Justice Assistance Appropriation	(\$96,145,000)	<u>\$93,628,000</u>
Municipal Criminal Justice Assistance Appropriation	(\$38,126,000)	<u>\$36,908,000</u>
City-County Assistance Appropriation.	\$27,160,000	

Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$56,058,000
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes	(\$20,012,000) <u>\$20,549,000</u>
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation	\$8,074,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	\$5,402,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$98,876,000
General Fund Appropriation for other tax distributions	\$80,000
General Fund Appropriation for Marijuana Excise Tax distributions	(\$12,000,000) <u>\$30,000,000</u>
General Fund Appropriation for Habitat Conservation Program distributions.	\$5,347,000
TOTAL APPROPRIATION	(\$529,471,000) <u>\$503,969,000</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. 802. 2017 3rd sp.s. c 1 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Criminal Justice Treatment Account: For transfer to the state general fund, \$4,450,000 for fiscal year 2018 and \$4,450,000 for fiscal year 2019	\$8,900,000
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 plus \$40,494,000 for fiscal year 2018, (\$170,000,000) <u>\$226,654,000</u> and this amount for fiscal year 2019, (\$180,000,000) <u>\$194,000,000</u>	(\$350,000,000) <u>\$420,654,000</u>
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 2018, (\$120,000,000) <u>\$130,000,000</u> and this amount for fiscal year 2019, (\$130,000,000) <u>\$137,000,000</u>	(\$239,239,000) <u>\$267,000,000</u>
Aquatic Lands Enhancement Account: For transfer to	

the clean up settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074 2012 supplemental capital budget), \$620,000 for fiscal year 2018 and \$620,000 for fiscal year 2019 \$1,240,000

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 2018 \$101,639,000

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 2019 \$101,639,000

State Toxics Control Account: For transfer to the cleanup settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074, 2012 supplemental capital budget), \$620,000 for fiscal year 2018 and \$620,000 for fiscal year 2019 \$1,240,000

General Fund: For transfer to the streamlined sales and use tax account, (~~(\$11,171,000)~~) \$12,877,000 for fiscal year 2018 and (~~(\$8,641,000)~~) \$7,672,000 for fiscal year 2019 (~~(\$20,012,000)~~)
\$20,549,000

Aerospace Training and Student Loan Account: For transfer to the state general fund, \$750,000 for fiscal year 2018 and \$750,000 for fiscal year 2019 \$1,500,000

Disaster Response Account: For transfer to the state general fund, \$42,000,000 for fiscal year 2018 \$42,000,000

State Treasurer's Service Account: For transfer to the state general fund, \$6,000,000 for fiscal year 2018 and \$6,000,000 for fiscal year 2019 \$12,000,000

Statewide Information Tech System Maintenance and Operations Revolving Account: For transfer to the consolidated technology services revolving account, \$5,500,000 for fiscal year 2018 \$5,500,000

General Fund: For transfer to the family and medical leave insurance account as start-up costs for the family and medical leave insurance program pursuant to enactment of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave insurance), or Senate Bill No. 5032 (family and medical leave insurance), \$82,000,000 for fiscal year 2018 \$82,000,000

Family and Medical Leave Insurance Account: For transfer to the General Fund as repayment for

start-up costs for the family and medical leave insurance program pursuant to implementation of Substitute House Bill No. 1116 (family and medical leave insurance), Senate Bill No. 5975 (paid family and medical leave insurance), or Senate Bill No. 5032 (family and medical leave insurance), the lesser of the amount determined by the treasurer for full repayment of the \$82,000,000 transferred from the general fund in fiscal year 2018 for start-up costs with any related interest or this amount for fiscal year 2019, \$90,000,000 \$90,000,000

Public Works Assistance Account: For transfer to the education legacy trust account, \$136,998,000 for fiscal year 2018 and \$117,017,000 for fiscal year 2019 \$254,015,000

General Fund: For transfer to the firearms range account for fiscal year 2018. \$75,000

~~((Death Investigations Account: For transfer to the state general fund, \$1,186,000 for fiscal year 2018 \$1,186,000))~~

New Motor Vehicle Arbitration Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2018 \$2,000,000

Local Toxics Control Account: For transfer to the state toxics control account, \$9,000,000 for fiscal year 2018 and \$12,000,000 for fiscal year 2019 \$21,000,000

State Toxics Control Account: For transfer to water pollution control revolving account, \$3,000 for fiscal year 2018 \$3,000

Aquatic Lands Enhancement Account: For transfer to the geoduck aquaculture research account for fiscal year 2019 \$200,000

General Fund: For transfer to the dedicated McCleary penalty account for fiscal year 2018 \$105,200,000
The amount transferred represents the monetary sanctions accrued from August 13, 2015, through June 30, 2018, under the order of the state supreme court of August 13, 2015, in *McCleary v. State*.

General Fund: For transfer to the disaster response account for fiscal year 2018. \$58,535,000

Oil Spill Response Account: For transfer to the oil spill prevention account: \$1,748,000 for fiscal year 2018 and \$2,973,000 for fiscal year 2019 \$4,721,000

General Fund: For transfer to the Washington internet crimes against children account for fiscal year 2018 \$1,500,000

Funeral and Cemetery Account: For transfer to the

<u>skeletal human remains assistance account for fiscal year 2018</u>	\$15,000
<u>General Fund: For transfer to the statewide tourism marketing account for fiscal year 2019</u>	\$1,500,000
<u>Public Works Administration Account: For transfer to the state general fund for fiscal year 2018</u>	\$1,500,000

**PART IX
MISCELLANEOUS**

Sec. 901. RCW 43.41.433 and 2017 3rd sp.s. c 1 s 950 are each amended to read as follows:

(1) The information technology investment revolving account is created in the custody of the state treasurer. All receipts from legislative appropriations and transfers must be deposited into the account. Only the director of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Any residual balance of funds remaining in the information technology investment revolving account created in section 705, chapter 4, Laws of 2015 3rd sp. sess. and reenacted in subsection (1) of this section shall be transferred to the information technology investment revolving account created in subsection (1) of this section after June 30, 2017.

Sec. 902. 2017 3rd sp.s. c 1 s 936 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES—SUPER COALITION—INSURANCE BENEFITS

An agreement was reached for the 2017-2019 biennium between the governor and the health care super 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 2017-2019 collective bargaining agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate shall not exceed (~~(\$957)~~) \$916 per eligible employee.

(2) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public 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 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 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.

(3) The health care authority shall deposit any moneys received on behalf of the uniform 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 public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 903. 2017 3rd sp.s. c 1 s 937 (uncodified) is amended to read as follows:

COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$916 per eligible employee.

(2) In order to achieve the level of funding provided for health benefits, the public 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 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 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.

(3) The health care authority shall deposit any moneys received on behalf of the uniform 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 public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

Sec. 904. 2017 3rd sp.s. c 1 s 942 (uncodified) is amended to read as follows:

COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan,

may not exceed \$913 per eligible employee for fiscal year 2018. For fiscal year 2019, the monthly employer funding rate may not exceed (~~(\$957)~~) \$916 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public 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 make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 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. All savings resulting from reduced claim costs or other factors identified after December 31, 2016, must be reserved for reducing expenditures in the current biennium, or for funding employee health benefits in the 2019-2021 fiscal biennium, and shall not be used to increase benefits, except as provided in (c) of this subsection.

(c) The funding is sufficient for a new virtual diabetes prevention program, and for a change in the waiting period for dental crown replacements in the uniform dental program from seven years to five years.

(d) The health care authority shall deposit any moneys received on behalf of the uniform 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 public employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar year ~~(and 2019)~~ 2018 ~~(and 2019)~~, the subsidy shall be up to \$150 per month. For calendar year 2019, the subsidy shall be up to \$168 per month. The public employees' benefits board may not authorize under RCW 41.05.085, and the health care authority may not provide, a subsidy under this subsection of more than \$150 per month in calendar year 2018, and \$168 in calendar year 2019. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized by the legislature in this subsection.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$64.07 per month beginning September 1, 2017, and ~~(\$68.67)~~ \$71.08 beginning September 1, 2018;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and

is eligible for employer fringe benefit contributions for basic benefits, \$64.07 each month beginning September 1, 2017, and (~~(\$68.67)~~) \$71.08 beginning September 1, 2018, 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.

Sec. 905. RCW 28B.20.476 and 2013 2nd sp.s. c 4 s 960 are each amended to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by RCW 28B.20.475. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the (~~(2013-2015)~~) 2017-2019 fiscal biennium, amounts available in the geoduck aquaculture research account may also be appropriated for the sea grant program at the University of Washington to conduct research examining the possible negative and positive effects of evolving shellfish aquaculture techniques and practices on Washington's economy and marine ecosystems. It is the intent of the legislature that this policy be continued in future biennia.

Sec. 906. 2017 3rd sp.s. c 1 s 944 (uncodified) is amended to read as follows:

INITIATIVE 732 COST-OF-LIVING INCREASES

Part IX of this act authorizes general wage increases for state employees covered by Initiative Measure No. 732. The general wage increases on July 1, 2017, and July 1, 2018, provide a portion of the annual cost-of-living adjustments required under Initiative Measure No. 732. Funding is also provided for additional increases of three-tenths of a percent on July 1, 2017, and (~~(seven-tenths of a)~~) one percent on July 1, 2018, for cost-of-living adjustments under the initiative. Funding is provided for a salary increase on January 1, 2019, of (~~(one)~~) seven-tenths of a percent for these employees, for a nominal total of a six percent increase during the 2017-2019 fiscal biennium.

NEW SECTION. **Sec. 907.** A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

A paid family and medical leave program was created by chapter 5, Laws of 2017 3rd sp. sess. The state, as an employer, will be responsible for payment of employer premiums for employees beginning January 1, 2019, other than those covered by a collective bargaining agreement. Funding is provided for this obligation.

***Sec. 908.** RCW 41.26.802 and 2017 3rd sp.s. c 1 s 964 are each amended to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five

percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2019, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

(3) It is the intent of the legislature to fund any distribution in 2019 and 2021 dedicated to the local law enforcement officers' and firefighters' retirement system benefits improvement account through alternate means, which may include transfers from the law enforcement officers' and firefighters' plan 2 retirement fund.

**Sec. 908 was partially vetoed. See message at end of chapter.*

Sec. 909. RCW 69.50.530 and 2016 sp.s. c 36 s 942 are each amended to read as follows:

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

Sec. 910. RCW 69.50.540 and 2017 3rd sp.s. c 1 s 979 are each amended to read as follows:

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

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

(a) Beginning July 1, 2015, one hundred twenty-five thousand dollars to the department of social and health services to design and administer the Washington state healthy youth survey, analyze the collected data, and produce reports, in collaboration with the office of the superintendent of public instruction, department of health, department of commerce, family policy council, and state liquor and cannabis board. The survey must be conducted at least every two years and include questions regarding, but not necessarily limited to, academic achievement, age at time of substance use initiation, antisocial behavior of friends, attitudes toward antisocial behavior, attitudes toward substance use, laws and community norms regarding antisocial behavior, family conflict, family management, parental attitudes toward substance use, peer rewarding of antisocial behavior, perceived risk of substance use, and rebelliousness. Funds disbursed under this subsection may be used to expand

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

(b) Beginning July 1, 2015, fifty thousand dollars to the department of social and health services for the purpose of contracting with the Washington state institute for public policy to conduct the cost-benefit evaluation and produce the reports described in RCW 69.50.550. This appropriation ends after production of the final report required by RCW 69.50.550;

(c) Beginning July 1, 2015, five thousand dollars to the University of Washington alcohol and drug abuse institute for the creation, maintenance, and timely updating of web-based public education materials providing medically and scientifically accurate information about the health and safety risks posed by marijuana use;

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

(ii) ~~((Three hundred fifty-one thousand seven hundred fifty))~~ Two million six hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2018 and three hundred fifty-one thousand seven hundred fifty dollars for fiscal year 2019 to the health professions account established under RCW 43.70.320 for the development and administration of the marijuana authorization database by the department of health ~~((. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium))~~;

(iii) Two million eight hundred three thousand dollars for fiscal year 2019 to the Washington state patrol for a drug enforcement task force. It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium; and

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

(e) Twenty-three thousand seven hundred fifty dollars to the department of enterprise services provided solely for the state building code council established under RCW 19.27.070, to develop and adopt fire and building code provisions related to marijuana processing and extraction facilities. The distribution under this subsection (1)(e) is for fiscal year 2016 only;

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

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

(A) Of the funds appropriated under (a)(i) of this subsection for new programs and new services, at least eighty-five percent must be directed to evidence-based or research-based programs and practices that produce

objectively measurable results and, by September 1, 2020, are cost-beneficial; and

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

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

(iii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of twenty-seven million seven hundred eighty-six thousand dollars, and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of twenty-five million five hundred thirty-six thousand dollars under this subsection (2)(a);

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

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

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

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

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

(B) The Washington poison control center; and

(C) During the 2015-2017 fiscal biennium, the funds appropriated under this subsection (2)(b) may be used for prevention activities that target youth and populations with a high incidence of tobacco use.

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of seven million five hundred thousand dollars and for each subsequent fiscal year thereafter, the legislature must appropriate a minimum of nine million seven hundred fifty thousand dollars under this subsection (2)(b);

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

(ii) For the fiscal year beginning July 1, 2016, the legislature must appropriate a minimum of two hundred seven thousand dollars and for each subsequent fiscal year, except for the 2017-2019 fiscal biennium, the legislature must appropriate a minimum of one million twenty-one thousand dollars to the University of Washington. For the fiscal year beginning July 1, 2016, the

legislature must appropriate a minimum of one hundred thirty-eight thousand dollars and for each subsequent fiscal year thereafter, except for the 2017-2019 fiscal biennium, a minimum of six hundred eighty-one thousand dollars to Washington State University under this subsection (2)(c). It is the intent of the legislature that this policy will be continued in the 2019-2021 fiscal biennium;

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

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

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

(ii) For the fiscal year beginning July 1, 2016, and each subsequent fiscal year, the legislature must appropriate a minimum of five hundred eleven thousand dollars to the office of the superintendent of public instruction under this subsection (2)(f); and

(g) At the end of each fiscal year, the treasurer must transfer any amounts in the dedicated marijuana account that are not appropriated pursuant to subsection (1) of this section and this subsection (2) into the general fund, except as provided in (g)(i) of this subsection (2).

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

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

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

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

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

(iv) The total share of marijuana excise tax revenues distributed to counties and cities in (g)(i) of this subsection (2) may not exceed ~~((six))~~ fifteen million dollars in fiscal years 2018 and 2019 and twenty million dollars per fiscal year thereafter. ~~((However, if the February 2018 forecast of state revenues for the general fund in the 2017-2019 fiscal biennium exceeds the amount estimated in the June 2017 revenue forecast by over eighteen million dollars after adjusting for changes directly related to legislation adopted in the 2017 legislative session, the total share of marijuana excise tax revenue distributed to counties and cities in (g)(i) of this subsection (2) may not exceed fifteen million dollars in fiscal years 2018 and 2019.))~~ It is the intent of the legislature that the policy for the maximum distributions in the subsequent fiscal biennia will be no more than ~~((6))~~ fifteen million dollars per fiscal year.

For the purposes of this section, "marijuana products" means "useable marijuana," "marijuana concentrates," and "marijuana-infused products" as those terms are defined in RCW 69.50.101.

Sec. 911. RCW 70.105D.070 and 2017 3rd sp.s. c 1 s 980 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2)(a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (3) of this section and forty-four percent to the local toxics control account under subsection (4) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in RCW 70.105D.170.

(b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred forty million dollars.

(c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (i) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (ii) the prevention or mitigation of unfair economic hardship;

(l) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(m) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(n) Stormwater pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(o) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(p) Air quality programs and actions for reducing public exposure to toxic air pollution;

(q) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(i) The facility is located within a redevelopment opportunity zone designated under RCW 70.105D.150;

(ii) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(iii) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(r) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters;

(s) Appropriations to the local toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts;

(t) During the 2015-2017 and 2017-2019 fiscal biennia, the department of ecology's water quality, shorelands, environmental assessment, administration, and air quality programs;

(u) During the 2013-2015 fiscal biennium, actions at the state conservation commission to improve water quality for shellfish;

(v) During the 2013-2015 and 2015-2017 fiscal biennia, actions at the University of Washington for reducing ocean acidification;

(w) During the 2015-2017 and 2017-2019 fiscal biennia, for the University of Washington Tacoma soil remediation project;

(x) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be spent on projects in section 3160, chapter 19, Laws of 2013 2nd sp. sess. and for transfer to the local toxics control account;

(y) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be transferred to the radioactive mixed waste account; and

(z) For the 2015-2017 and 2017-2019 fiscal biennia, forest practices regulation at the department of natural resources.

(4)(a) The department shall use moneys deposited in the local toxics control account for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under ~~((c))~~ (c)(i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under ~~((c))~~ (c)(iv) of this subsection. The department must prioritize funding of remedial actions at:

(A) Facilities on the department's hazardous sites list with a high hazard ranking for which there is an approved remedial action work plan or an equivalent document under federal cleanup law;

(B) Brownfield properties within a redevelopment opportunity zone if the local government is a prospective purchaser of the property and there is a department-approved remedial action work plan or equivalent document under the federal cleanup law;

(iii) Stormwater pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(vii) Appropriations to the state toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts.

(b) Funds for plans and programs must be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(c) During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government stormwater planning and implementation activities.

(d) During the 2013-2015 fiscal biennium, the legislature may transfer from the local toxics control account to the state general fund, such amounts as reflect the excess fund balance in the account.

(e) To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to area-wide groundwater contamination. To receive the funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under (e)(iv) and (v) of this subsection (4) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

(f) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance. For the 2013-2015 fiscal biennium, moneys

in the local toxics control account may be spent on projects in sections 3024, 3035, 3036, and 3059, chapter 19, Laws of 2013 2nd sp. sess.

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator facility feasibility studies, construction, maintenance, or operation; or ~~((after January 1, 2010, for))~~ projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous substance tax imposed in chapter 82.21 RCW.

(7) Except during the 2011-2013 and the 2015-2017 fiscal biennia, one percent of the moneys collected under RCW 82.21.030 shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement chapter 1, Laws of 2013 2nd sp. sess. using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

(9) Except as provided under subsection (3)(k) and (q) of this section, nothing in chapter 1, Laws of 2013 2nd sp. sess. affects the ability of a potentially liable person to receive public funding.

(10) During the 2015-2017 fiscal biennium the local toxics control account may also be used for the centennial clean water program and for the stormwater financial assistance program administered by the department of ecology.

(11) During the 2017-2019 fiscal biennium:

(a) The state toxics control account, the local toxics control account, and the environmental legacy stewardship account may be used for interchangeable purposes and funds may be transferred between accounts to accomplish those purposes.

(b) The legislature may direct the state treasurer to make transfers of moneys in the state toxics control account to the water pollution control revolving account.

Sec. 912. RCW 76.04.610 and 2012 2nd sp.s. c 7 s 922 are each amended to read as follows:

(1)(a) If any owner of forestland within a forest protection zone neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection and shall annually impose the following assessments on each parcel of such land: (i) A flat fee assessment of seventeen dollars and fifty cents; and (ii) twenty-seven cents on each acre exceeding fifty acres.

(b) Assessors may, at their option, collect the assessment on tax exempt lands. If the assessor elects not to collect the assessment, the department may bill the landowner directly.

(2) An owner who has paid assessments on two or more parcels, each containing fewer than fifty acres and each within the same county, may obtain the following refund:

(a) If all the parcels together contain less than fifty acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars and (ii) the total of the amounts retained by the county from such assessments under subsection (5) of this section.

(b) If all the parcels together contain fifty or more acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars, (ii) twenty-seven cents for each acre exceeding fifty acres, and (iii) the total of the amounts retained by the county from such assessments under subsection (5) of this section.

Applications for refunds shall be submitted to the department on a form prescribed by the department and in the same year in which the assessments were paid. The department may not provide refunds to applicants who do not provide verification that all assessments and property taxes on the property have been paid. Applications may be made by mail.

In addition to the procedures under this subsection, property owners with multiple parcels in a single county who qualify for a refund under this section may apply to the department on an application listing all the parcels owned in order to have the assessment computed on all parcels but billed to a single parcel. Property owners with the following number of parcels may apply to the department in the year indicated:

Year	Number of Parcels
2002	10 or more parcels
2003	8 or more parcels
2004 and thereafter	6 or more parcels

The department must compute the correct assessment and allocate one parcel in the county to use to collect the assessment. The county must then bill the forest fire protection assessment on that one allocated identified parcel. The landowner is responsible for notifying the department of any changes in parcel ownership.

(3) Beginning January 1, 1991, under the administration and at the discretion of the department up to two hundred thousand dollars per year of this assessment shall be used in support of those rural fire districts assisting the department in fire protection services on forestlands.

(4) For the purpose of this chapter, the department may divide the forestlands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Amounts paid or contracted to be paid by the department for protection of forestlands from funds at its disposal shall be a lien upon the property protected, unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred. The department shall be prepared to make statement thereof, upon request, to a forest owner whose own protection has not been previously approved as to its adequacy, the department shall report the same to the assessor of the county in which the property is situated. The assessor shall extend the amounts upon the tax rolls covering the property, and upon authorization from the department shall levy the forest protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records. The assessor may then segregate on the records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in RCW 52.16.170.

(5) The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the department certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of assessments the county treasurer shall place fifty cents of the total assessments paid on a parcel for fire protection into the county current expense fund to defray the costs of listing, billing, and collecting these assessments. The treasurer shall then transmit the balance to the department. Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend sums collected from owners of forestlands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660. During the 2017-2019 fiscal biennium, the legislature may appropriate moneys from the account for department of natural resources wildfire response and forest health activities.

(6) When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall immediately remit to the department the amount of the outstanding forest protection assessments.

(7) All nonfederal public bodies owning or administering forestland included in a forest protection zone shall pay the forest protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from available funds within thirty days following

receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments are not a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and are subject to interest charges at the legal rate. During the 2011-2013 fiscal biennium, the forest fire protection assessment account may be appropriated to The Evergreen State College for analysis and recommendations to improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities.

(8) A public body, having failed to previously pay the forest protection assessments required of it by this section, which fails to suppress a fire on or originating from forestlands owned or administered by it, is liable for the costs of suppression incurred by the department or its agent and is not entitled to reimbursement of costs incurred by the public body in the suppression activities.

(9) The department may adopt rules to implement this section, including, but not limited to, rules on levying and collecting forest protection assessments.

Sec. 913. RCW 77.12.203 and 2017 3rd sp.s. c 1 s 984 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director must pay by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access, or recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2013-2015 and 2015-2017 fiscal biennia, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County

Adams	1,909
Asotin	36,123

County	
Chelan	24,757
Columbia	7,795
Ferry	6,781
Garfield	4,840
Grant	37,443
Kittitas	143,974
Klickitat	21,906
Lincoln	13,535
Okanogan	151,402
Pend Oreille	3,309
Yakima	126,225

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(6) For the 2017-2019 fiscal biennium, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

County	
Adams	((1,235)) <u>1,909</u>
Asotin	((26,425)) <u>36,123</u>
Chelan	39,858
Columbia	20,713
Ferry	22,798
Garfield	12,744
Grant	71,930
Kittitas	382,638
Klickitat	51,019
Lincoln	((13,000)) <u>13,535</u>
Okanogan	264,036
Pend Oreille	5,546
Yakima	186,056

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

Sec. 914. RCW 79.105.150 and 2017 3rd sp.s. c 1 s 987 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2013-2015, 2015-2017, and 2017-2019 fiscal biennia, the aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2013-2015 and 2017-2019 fiscal (~~biennium~~) biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) (~~After January 1, 2010,~~) Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 915. RCW 82.19.040 and 2017 3rd sp.s. c 1 s 989 are each amended to read as follows:

(1) To the extent applicable, all of the definitions of chapter 82.04 RCW and all of the provisions of chapter 82.32 RCW apply to the tax imposed in this chapter.

(2) Until June 30, (~~2019~~) 2018, taxes collected under this chapter shall be distributed as follows: (a) Five million dollars per fiscal year must be deposited in equal monthly amounts to the state parks renewal and stewardship account under RCW 79A.05.215; and (b) the remainder to the waste reduction, recycling, and litter control account under RCW 70.93.180.

(3) Beginning June 30, 2018, and until June 30, 2019, taxes collected under this chapter shall be distributed as follows: (a) Four million dollars per fiscal year must be deposited in equal monthly amounts to the state parks renewal and stewardship account under RCW 79A.05.215; and (b) the remainder to the waste reduction, recycling, and litter control account under RCW 70.93.180.

NEW SECTION. Sec. 916. Section 916 of this act expires June 30, 2019.

Sec. 917. RCW 86.26.007 and 2015 3rd sp.s. c 4 s 978 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except that during the 2011-2013 fiscal biennium, the state treasurer shall transfer one million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. During the 2013-2015 fiscal biennium and the 2015-2017 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2017-2019 fiscal biennium, the legislature may appropriate moneys from the account for the purposes specified under chapter 90.--- RCW (the new chapter created in section 305, chapter 1, Laws of 2018).

Sec. 918. RCW 90.56.500 and 2015 c 274 s 6 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2)(a) The account shall be used exclusively to pay for:

(i) The costs associated with the response to spills or imminent threats of spills of crude oil or petroleum products into the waters of the state; and

(ii) The costs associated with the department's use of an emergency response towing vessel.

(b) During the 2015-2017 biennium, the legislature may transfer up to two million two hundred twenty-five thousand dollars from the account to the oil spill prevention account created in RCW 90.56.510.

(c) During the 2017-2019 fiscal biennium, the legislature may transfer up to four million seven hundred twenty-one thousand dollars from the account to the oil spill prevention account created in RCW 90.56.510.

(3) Payment of response costs under subsection (2)(a)(i) of this section shall be limited to spills which the director has determined are likely to exceed one thousand dollars.

(4) Before expending moneys from the account, but without delaying response activities, the director shall make reasonable efforts to obtain funding for response costs under subsection (2) of this section from the person responsible for the spill and from other sources, including the federal government.

(5) Reimbursement for response costs from this account shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

- (a) Natural resource damage assessment and related activities;
- (b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;
- (c) Interagency coordination and public information related to a response; and
- (d) Appropriate travel, goods and services, contracts, and equipment.

Sec. 919. RCW 18.39.810 and 2009 c 102 s 24 are each amended to read as follows:

The funeral and cemetery account is created in the custody of the state treasurer. All receipts from fines and fees collected under this chapter and chapter 68.05 RCW must be deposited in the account. Expenditures from the account may be used only to carry out the duties required for the operation and enforcement of this chapter and chapter 68.05 RCW. Only the director of licensing or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2017-2019 biennium, the legislature may transfer moneys from the funeral and cemetery account to the skeletal human remains assistance account.

NEW SECTION. Sec. 920. A new section is added to chapter 43.79 RCW to read as follows:

The dedicated McCleary penalty account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenues in the account consist of moneys transferred to the account pursuant to the legislative directive. Expenditures from the account may be used only to meet the state's obligation for basic education funding under RCW 28A.150.220.

Sec. 921. 2017 c 290 s 2 (uncodified) is amended to read as follows:

(1)(a) The joint legislative task force on sexual assault forensic examination best practices is established for the purpose of reviewing best practice models for managing all aspects of sexual assault examinations and for reducing the number of untested sexual assault examination kits in Washington state that were collected prior to the effective date of this section.

(i) The caucus leaders from the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The caucus leaders from the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall jointly appoint:

(A) One member representing each of the following:

(I) The Washington state patrol;

(II) The Washington association of sheriffs and police chiefs;

(III) The Washington association of prosecuting attorneys;

(IV) The Washington defender association or the Washington association of criminal defense lawyers;

(V) The Washington association of cities;

(VI) The Washington association of county officials;

(VII) The Washington coalition of sexual assault programs;

(VIII) The office of crime victims advocacy;

(IX) The Washington state hospital association;

(X) The Washington state forensic investigations council;

(XI) A public institution of higher education as defined in RCW 28B.10.016;

(XII) A private higher education institution as defined in RCW 28B.07.020; and

(XIII) The office of the attorney general; and

(B) Two members representing survivors of sexual assault.

(b) The task force shall choose two cochairs from among its legislative membership. The legislative membership shall convene the initial meeting of the task force.

(2) The duties of the task force include, but are not limited to:

(a) Researching and determining the number of untested sexual assault examination kits in Washington state;

(b) Researching the locations where the untested sexual assault examination kits are stored;

(c) Researching, reviewing, and making recommendations regarding legislative policy options for reducing the number of untested sexual assault examination kits;

(d) Researching the best practice models both in state and from other states for collaborative responses to victims of sexual assault from the point the sexual assault examination kit is collected to the conclusion of the investigation and providing recommendations regarding any existing gaps in Washington and resources that may be necessary to address those gaps; and

(e) Researching, identifying, and making recommendations for securing nonstate funding for testing the sexual assault examination kits, and reporting on progress made toward securing such funding.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to

approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The first meeting of the task force must occur prior to October 1, 2015. The task force shall submit a preliminary report regarding its initial findings and recommendations to the appropriate committees of the legislature and the governor no later than December 1, 2015.

(7) The task force must meet no less than twice annually.

(8) The task force shall report its findings and recommendations to the appropriate committees of the legislature and the governor by September 30, 2016, and by December 1st of the following year.

(9) This section expires June 30, ~~((2018))~~ 2019.

Sec. 922. RCW 43.79.445 and 2017 3rd sp.s. c 1 s 970 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. Funds from the death investigations account may be appropriated during the 2013-2015 fiscal biennium for the activities of the state crime laboratory within the Washington state patrol. ~~((In addition, during the 2017-2019 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the death investigations account to the state general fund.))~~

Sec. 923. RCW 39.12.080 and 2006 c 230 s 2 are each amended to read as follows:

The public works administration account is created in the state treasury. The department of labor and industries shall deposit in the account all moneys received from fees or civil penalties collected under RCW 39.12.050, 39.12.065, and 39.12.070. Appropriations from the account may be made only for the purposes of administration of this chapter, including, but not limited to, the performance of adequate wage surveys, and for the investigation and enforcement of all alleged violations of this chapter as provided for in this chapter and chapters 49.48 and 49.52 RCW. During the 2017-2019 fiscal biennium the legislature may direct the state treasurer to make transfers of moneys in the public works administration account to the state general fund. It is the intent of the legislature to use the moneys transferred in the 2017-2019 biennium to support apprenticeship programs.

Sec. 924. RCW 43.350.070 and 2016 sp.s. c 36 s 937 are each amended to read as follows:

The life sciences discovery fund is created in the custody of the state treasurer. Only the board or the board's designee may authorize expenditures from the fund. Expenditures from the fund may be made only for purposes of

this chapter. Administrative expenses of the authority, including staff support, may be paid only from the fund. Revenues to the fund consist of transfers made by the legislature from strategic contribution payments deposited in the tobacco settlement account under RCW 43.79.480, moneys received pursuant to contribution agreements entered into pursuant to RCW 43.350.030, moneys received from gifts, grants, and bequests, and interest earned on the fund. During the 2015-2017 fiscal biennium, the legislature may transfer to other state funds or accounts such amounts as represent the excess balance of the life sciences discovery fund. During the 2017-2019 fiscal biennium, the legislature may make appropriations from the fund to the department of commerce for providing life sciences research grants.

NEW SECTION. Sec. 925. A new section is added to 2017 3rd sp.s. c 1 (uncodified) to read as follows:

(1) The senate facilities and operations committee and the house of representatives executive rules committee shall convene a legislative task force to examine establishing standards for maintaining and disclosing public records for the legislative branch of government.

(2) The meetings of the task force must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives. The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force meetings and expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(3) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer, governmental entity, or other organization, are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) Staff support for the task force shall be provided by the senate committee services and the house of representatives office of program research. Meeting facilitation and related services for the task force shall be provided by the William D. Ruckelshaus center as specified in section 603(25) of this act.

(5) The task force shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2018.

(6) This section expires December 31, 2018.

NEW SECTION. Sec. 926. 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. 927. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the Senate March 8, 2018.

Passed by the House March 8, 2018.

Approved by the Governor March 27, 2018, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State March 29, 2018.

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

"I am returning herewith, without my approval as to Sections 119(8), 129(21), 135(4), 146(10), 307 lines 14-15, 308(21), 502(1)(h), 504(2), 606(23)(b), 908(3), 103(9), 122(3), 127(56), 135(6), 140(7), 141(4), 146(7), 148(10), 205(1)(w), 206(30), and 501(51), Engrossed Substitute Senate Bill No. 6032 entitled:

"AN ACT Relating to fiscal matters."

Section 119(8), page 19, Secretary of State, Automatic Voter Registration Study

This section includes funding for the Secretary of State to conduct a study related to automatic voter registration. The requirement to do this study was removed from Engrossed Second Substitute House Bill 2595 (automatic voter registration), but the funding proviso remained in the budget. Because the agency will not be doing this study, the funding is not needed. For this reason, I have vetoed Section 119(8).

Section 129(21), page 56, Office of Financial Management, 2020 Census

Funds are provided to the agency for staffing and support to prepare for the 2020 census in two identical provisos: Section 129(19) and Section 129(21). This is clearly a drafting error because funding for the double proviso is not included in the total appropriation authority. For this reason, I have vetoed Section 129(21).

Section 135(4), pages 59-60, Department of Revenue, Tax Database

The budget provides \$150,000 to the department to create a publicly available online searchable database of all taxes and tax rates in the state for each taxing district. This is the same provision that was included in Senate Bill 6590 which had a fiscal note of \$1,219,800 for creation of the database. This project cannot be done for the \$150,000 provided in the budget. For this reason, I have vetoed Section 135(4).

Section 146(10), page 74, Department of Enterprise Services, Capitol Dome Access

This section directs the Department of Enterprise Services to allow individuals to access the top of the Capitol dome "under approved supervision and guidelines developed by the department." The Olympia Fire Department has assessed this space in the past, and, among other issues, reported that it could not use a fireman's rescue technique in this space nor could it assist an injured party by using a gurney. The Department of Labor and Industries classifies the area as a "confined space" which means that it has restricted entry/exit and is not primarily designed for human occupancy. Access should be authorized only for individuals needed to do work on the dome. While the view is beautiful from the dome, there are too many risks involved with granting access to the public. For this reason, I have vetoed Section 146(10).

Section 307, page 261, lines 14-15, Department of Fish and Wildlife, FY 2018 General Fund—State Appropriation

The final budget reduces the department's FY 2018 General Fund-State appropriation by \$1,739,000. Although the final budget provides an additional \$1.5 million for Orca whale recovery efforts, it does not fully cover the costs of important work needed to begin the recovery of this iconic species. To support Orca recovery efforts, I am vetoing this reduction in appropriation and directing the department to use \$650,000 of this amount to complete fish screen inventories, conduct public outreach and education, hire a recovery coordinator position, and support facilitation of the Southern Resident Killer Whale Task Force. I also am directing the agency to place the remaining amount in unallotted status. For this reason, I have vetoed Section 307, page 261, lines 14-15.

Section 308(21), page 274, Department of Natural Resources, SAFER Grant Match

One-time funding of \$873,000 General Fund—State is provided to Kittitas County Fire District 7 for matching funds for its Staffing for Adequate Fire and Emergency Response (SAFER) grant from the Federal Emergency Management Agency. Despite the merits of the federal grant funding to provide firefighting staff to the district, the state should not provide the local match for these grants. Operational funding for fire districts is a local decision. Not only would providing the match through the state general fund set a precedent, it would be unfair to the other 19 fire districts across the state

that were awarded a similar federal grant and provided their own local match. For these reasons, I have vetoed Section 308(21).

Section 502(1)(h), page 303, Office of Superintendent of Public Instruction for General Apportionment, Net Revenue Hold Harmless

Engrossed Second Substitute Senate Bill 6362 contains a more prescriptive hold harmless calculation than the language in the operating budget. The operating budget will hold districts harmless to a baseline that assumes the levy cliff would go into effect—a decision that the Legislature chose last year not to implement. We must ensure that no school district receives less funding in the 2018-19 school year. For this reason, I have vetoed Section 502(1)(h).

Section 504(2), page 318, Office of Superintendent of Public Instruction for School Employee Compensation Adjustments, Delay Professional Learning Day

The operating budget delays the implementation of state-funded professional learning days by one year. Research shows that time for job embedded professional learning and collaboration is linked to student success. Limiting practices that improve student achievement goes against our goal for a world-class education system. For these reasons, I have vetoed Section 504(2).

Section 606(23)(b), page 372, The Evergreen State College, Funding Options for the Legislature

This proviso allows the Office of Financial Management, State Board for Community and Technical Colleges, and Council of Presidents to use information from a Washington State Institute for Public Policy (WSIPP) study to present funding options to the Legislature. The WSIPP study is related to higher education funding methods in other states. This item directs two separate agencies and the Council of Presidents to perform work that does not naturally fit together with the WSIPP study. For this reason, I have vetoed Section 606(23)(b).

Section 908(3), page 417, Law Enforcement Officers' and Firefighters' Retirement System (LEOFF) Distribution

This language expresses the Legislature's intent that future distributions to the Local Law Enforcement Officers' and Firefighters' Retirement System Benefits Improvement Account may include transfers from the LEOFF 2 pension fund. I have consistently vetoed similar provisions in the past, and I remain concerned about the wisdom of such transfers from a retirement fund. For this reason, I have vetoed Section 908(3).

I am vetoing the following sections related to bills that did not pass the Legislature resulting in the lapse of funding. My veto of these sections will serve to clean up these unnecessary sections of the bill.

Section 103(9), page 5, Joint Legislative Audit & Review Committee, SHB 1154, Fishing and Seafood Processing.

Section 122(3) page 22, State Treasurer's Office, E2SHB 2718, Civil Forfeiture Proceedings.

Section 127(56), page 43, Department of Commerce, ESSB 6081, Net Metering, or SHB 2995 Energy.

Section 135(6), page 61, Department of Revenue, E2SHB 2718, Civil Forfeiture Proceedings.

Section 140(7), page 64, Liquor and Cannabis Board, ESSB 6346, Sale of Wine/Microbrewery.

Section 141(4), page 66, Utilities and Transportation Commission, ESSB 6081, Distributed Generation, or SHB 2995, Energy.

Section 146(7), page 73, Department of Enterprise Services, ESSB 6081, Net Metering, or SHB 2995, Energy.

Section 148(10), page 77, Consolidated Technology Services, E2SSB 5935, Broadband and Telecommunication Service.

Section 205(1)(w), page 116, Department of Social and Health Services - Developmental Disabilities, SHB 1792, Residential Services and Supports.

Section 206(30), page 134, Department of Social and Health Services - Aging and Adult Services, SHB 1792, Residential Services and Supports.

Section 501(51), page 297, Office of Superintendent of Public Instruction, SHB 2748, Learning Assistance Program.

For these reasons I have vetoed Sections 119(8), 129(21), 135(4), 146(10), 307 lines 14-15, 308(21), 502(1)(h), 504(2), 606(23)(b), 908(3), 103(9), 122(3), 127(56), 135(6), 140(7), 141(4), 146(7), 148(10), 205(1)(w), 206(30), and 501(51) of Engrossed Substitute Senate Bill No. 6032.

With the exception of Sections 119(8), 129(21), 135(4), 146(10), 307 lines 14-15, 308(21), 502(1)(h), 504(2), 606(23)(b), 908(3), 103(9), 122(3), 127(56), 135(6), 140(7), 141(4), 146(7), 148(10), 205(1)(w), 206(30), and 501(51), Engrossed Substitute Senate Bill No. 6032 is approved."

CHAPTER 300

[Senate Bill 5722]

CONVERSION THERAPY--SEXUAL ORIENTATION AND GENDER IDENTITY

AN ACT Relating to restricting the practice of conversion therapy; amending RCW 18.130.020 and 18.130.180; and creating a new section.

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

NEW SECTION. Sec. 1. (1) The legislature intends to regulate the professional conduct of licensed health care providers with respect to performing conversion therapy on patients under age eighteen.

(2) The legislature finds and declares that Washington has a compelling interest in protecting the physical and psychological well-being of minors, including lesbian, gay, bisexual, and transgender youth, and in protecting its minors against exposure to serious harms caused by conversion therapy.

NEW SECTION. Sec. 2. This act may not be construed to apply to:

(1) Speech that does not constitute performing conversion therapy by licensed health care providers on patients under age eighteen;

(2) Religious practices or counseling under the auspices of a religious denomination, church, or organization that do not constitute performing conversion therapy by licensed health care providers on patients under age eighteen; and

(3) Nonlicensed counselors acting under the auspices of a religious denomination, church, or organization.

Sec. 3. RCW 18.130.020 and 2008 c 134 s 2 are each amended to read as follows:

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

(1) "Board" means any of those boards specified in RCW 18.130.040.

(2) "Clinical expertise" means the proficiency or judgment that a license holder in a particular profession acquires through clinical experience or clinical practice and that is not possessed by a lay person.

(3) "Commission" means any of the commissions specified in RCW 18.130.040.

(4)(a) "Conversion therapy" means a regime that seeks to change an individual's sexual orientation or gender identity. The term includes efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. The term

includes, but is not limited to, practices commonly referred to as "reparative therapy."

(b) "Conversion therapy" does not include counseling or psychotherapies that provide acceptance, support, and understanding of clients or the facilitation of clients' coping, social support, and identity exploration and development that do not seek to change sexual orientation or gender identity.

(5) "Department" means the department of health.

((5)) (6) "Disciplinary action" means sanctions identified in RCW 18.130.160.

((6)) (7) "Disciplining authority" means the agency, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.130.040.

((7)) (8) "Health agency" means city and county health departments and the department of health.

((8)) (9) "License," "licensing," and "licensure" shall be deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.120.020.

((9)) (10) "Practice review" means an investigative audit of records related to the complaint, without prior identification of specific patient or consumer names, or an assessment of the conditions, circumstances, and methods of the professional's practice related to the complaint, to determine whether unprofessional conduct may have been committed.

((10)) (11) "Secretary" means the secretary of health or the secretary's designee.

((11)) (12) "Standards of practice" means the care, skill, and learning associated with the practice of a profession.

((12)) (13) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.130.040 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a consumer, through offerings, advertisements, or use of a professional title or designation, that the individual is qualified to practice a profession or operate a business identified in RCW 18.130.040, without holding a valid, unexpired, unrevoked, and unsuspended license to do so.

Sec. 4. RCW 18.130.180 and 2010 c 9 s 5 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or

suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) Except when authorized by RCW 18.130.345, the possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for

conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The procuring, or aiding or abetting in procuring, a criminal abortion;

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(20) The willful betrayal of a practitioner-patient privilege as recognized by law;

(21) Violation of chapter 19.68 RCW;

(22) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(23) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(24) Abuse of a client or patient or sexual contact with a client or patient;

(25) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards;

(26) Performing conversion therapy on a patient under age eighteen.

Passed by the Senate March 3, 2018.

Passed by the House February 28, 2018.

Approved by the Governor March 28, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 301

[Substitute House Bill 2887]

COUNTY COMMISSIONERS--DISTRICT-BASED ELECTIONS

AN ACT Relating to county commissioner elections; amending RCW 36.32.030, 36.32.050, 29A.76.010, 36.32.055, and 44.05.080; adding new sections to chapter 36.32 RCW; creating new sections; and providing an effective date.

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

NEW SECTION. Sec. 1. The legislature finds that the leaders of local jurisdictions should represent the interests of the communities they serve and should be accountable to all their constituents. The legislature further finds that district-based elections help to make elected officials more responsible to their constituents by bringing candidates closer to the communities from which they

are elected. The legislature further finds that the districting process requires transparent and fair decision making in a bipartisan effort to ensure that districts constitute an accurate and balanced representation of the community.

NEW SECTION, Sec. 2. A new section is added to chapter 36.32 RCW to read as follows:

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

(1) "District" means a geographic area within county boundaries and designated in a county redistricting plan, as provided in section 5 of this act.

(2) "District election" means a candidate from each district is elected in a general election by the voters of the district in which the candidate resides.

(3) "District nomination" means a candidate from each district is nominated in a primary election by the voters of the district in which the candidate resides.

NEW SECTION, Sec. 3. A new section is added to chapter 36.32 RCW to read as follows:

(1) Beginning in 2022, any noncharter county with a population of four hundred thousand or more must have a board of commissioners with five members, and must use district nominations and district elections for its commissioner positions, in accordance with RCW 36.32.050.

(a) By April 30, 2021, the county must establish a redistricting committee, in accordance with section 4 of this act, to create, review, and adjust county commissioner districts in accordance with subsection (1) of this section. The commissioner districts established by the redistricting committee must be designated as districts numerically one through five. Any districting plan adopted by the redistricting committee must designate the initial terms of office for each of the county commissioner positions, as provided in RCW 36.32.030(2).

(b) Beginning in 2022, district elections for all county commissioners in a noncharter county with a population of four hundred thousand or more must be held in accordance with any districting plan adopted by a redistricting committee that is established in accordance with section 5 of this act.

(2) After 2022, by April 30th of each year ending in one, each qualifying county must establish a redistricting committee in accordance with section 4 of this act. The redistricting committee must review and adjust as necessary the boundaries of the county's commissioner districts.

NEW SECTION, Sec. 4. A new section is added to chapter 36.32 RCW to read as follows:

(1) A county redistricting committee established under this chapter must have five members appointed in each year ending in one, as follows:

(a) One member shall be appointed by the members of each of the two largest caucuses, respectively, of the house of representatives whose legislative districts are wholly or partially within the noncharter county with a population of four hundred thousand or more;

(b) One member shall be appointed by the members of each of the two largest caucuses, respectively, of the senate whose legislative districts are wholly or partially within the noncharter county with a population of four hundred thousand or more; and

(c) The fifth member, who shall serve as the nonvoting chair of the committee, shall be appointed by a majority of the other four members.

(2) Committee members may not be appointed until after January 1, 2021.

(a) If any member is not appointed in accordance with the process in subsection (1)(a) or (b) of this section by March 1st then the respective legislative leader of each caucus whose qualifying members have not made an appointment must make the respective appointment by April 1st. If any caucus does not have at least one qualifying member, then the legislative leader of that caucus shall make the appointment by April 1st.

(b) If the fifth member is not appointed in accordance with subsection (1)(c) of this section by April 15th, then the county board of commissioners must appoint the fifth member by April 30th.

(3) A vacancy on a redistricting committee must be filled in the same manner as the initial appointment within fifteen days after the vacancy occurs.

(4) No person may serve on a redistricting committee who:

(a) Is not a registered voter of the state at the time of appointment;

(b) Is not a resident of the county;

(c) Is or within two years before appointment was a consultant for or had a contract with the county, or had been a registered lobbyist that lobbies the county commission; or

(d) Is or within two years before appointment was an elected official or elected legislative, county, or state party officer.

(5) Members of a redistricting committee may not:

(a) Campaign for elective office while a member of the committee;

(b) Actively participate in or contribute to any political campaign of any candidate for county elective office while a member of the committee; or

(c) Hold or campaign for a seat as a county commissioner for two years after the date the redistricting committee concludes its duties under this chapter.

(6) Before serving on a county redistricting committee, every person must take and subscribe an oath to faithfully perform the duties of that office.

(7) The legislative body of the county will provide adequate funding and resources to support the duties of the redistricting committee.

NEW SECTION. Sec. 5. A new section is added to chapter 36.32 RCW to read as follows:

(1) Within one hundred twenty days after a redistricting committee is established under this chapter, the committee must prepare and publish a draft districting plan dividing the county into five commissioner districts. The committee must hold public meetings in preparing the draft, in compliance with chapter 42.30 RCW, and records of the committee must be available for public disclosure, pursuant to chapter 42.56 RCW.

(2) Within sixty days of publishing the draft districting plan, the committee must:

(a) Solicit written public comment on the draft;

(b) Hold at least one public hearing on the plan, including notice and public comment;

(c) Amend the draft as necessary after the public comment and hearing; and

(d) Either:

(i) Adopt the original or amended districting plan by a vote of at least three of the four voting committee members, and promptly file the adopted districting plan with the county auditor; or

(ii) Notify the state redistricting commission, established under chapter 44.05 RCW, with instructions to approve a districting plan for the county.

(3) If the committee instructs the state redistricting commission to approve a districting plan for the county, the state redistricting commission must convene or reconvene for purposes of approving a districting plan for the county, in addition to its duties under chapter 44.05 RCW. The committee may submit any proposed plans drafted by the committee or a committee member to assist the state redistricting commission. The state redistricting commission must approve a districting plan for the county within sixty days of receiving notice from the committee, and promptly file the plan with the county auditor.

(4) The districting plan is effective upon filing the plan with the county auditor either by the committee or by the state redistricting commission.

(5) County commissioner elections pursuant to the districting plan filed with the county auditor must begin in the next even-numbered year, and conducted in accordance with RCW 36.32.050.

(6) Each commissioner district established by a redistricting committee under this section must comprise as nearly as possible one-fifth of the population of the county. The boundaries of commissioner districts must:

(a) Correspond as nearly as practicable to election precinct boundaries; and

(b) Create districts with compact, contiguous territory containing geographic units, natural communities, and approximately equal populations.

(7) Upon filing of the adopted districting plan with the county auditor, or sixty days after providing notice to the state redistricting commission, the redistricting committee is dissolved until such time as a new redistricting committee is established as provided in section 2 of this act.

Sec. 6. RCW 36.32.030 and 2015 c 53 s 63 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section, the terms of office of county commissioners shall be four years and shall extend until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280(~~(-PROVIDED, That))~~) The terms of office of county commissioners shall be staggered so that either one or two commissioners are elected at a general election held in (~~(an))~~ each even-numbered year.

(2) At the general election held in 2022, any noncharter county with a population of four hundred thousand or more must elect county commissioners in accordance with a districting plan adopted under section 5 of this act. Any county commissioner whose term is set to expire on or after January 1, 2023, is subject to the new election in accordance with the districting plan. The county commissioners shall begin their terms of office on January 1, 2023, and such terms shall be staggered terms, as designated in the districting plan.

Sec. 7. RCW 36.32.050 and 2009 c 549 s 4063 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section or this chapter, county commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of

commissioner for the district in which he or she resides shall be declared duly elected from that district.

(2) Beginning in 2022, in any noncharter county with a population of four hundred thousand or more, county commissioners must be nominated and elected by the qualified electors of the commissioner district in which he or she resides. The person receiving the highest number of votes at a general election for the office of commissioner for the district in which he or she resides must be declared duly elected from that district.

Sec. 8. RCW 29A.76.010 and 2011 c 349 s 26 are each amended to read as follows:

(1) It is the responsibility of each county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each municipal corporation, county, and district charged with redistricting under this section.

(3) Except as otherwise provided in this act, no later than eight months after its receipt of federal decennial census data, the governing body of the municipal corporation, county, or district shall prepare a plan for redistricting its internal or director districts.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. Before adopting the plan, the municipal corporation, county, or district ((shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan)) must:

(a) Publish the draft plan and hold a meeting, including notice and comment, within ten days of publishing the draft plan and at least one week before adopting the plan; and

(b) Amend the draft as necessary after receiving public comments and resubmit any amended draft plan for additional written public comment at least one week before adopting the plan.

(6)(a) Any registered voter residing in an area affected by the redistricting plan may request review of the adopted local plan by the superior court of the

county in which he or she resides, within fifteen days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation, county, or district may be joined as respondent. The superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in subsection (4) of this section.

(b) If the superior court finds the plan to be consistent with the requirements of this section, the plan shall take effect immediately.

(c) If the superior court determines the plan does not meet the requirements of this section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation, county, or district.

Sec. 9. RCW 36.32.055 and 1990 c 252 s 2 are each amended to read as follows:

(1) The board of commissioners of any noncharter county with a population of three hundred thousand or more, and less than four hundred thousand, may cause a ballot proposition to be submitted at a general election to the voters of the county authorizing the board of commissioners to be increased to five members.

(2) As an alternative procedure, a ballot proposition shall be submitted to the voters of a noncharter county authorizing the board of commissioners to be increased to five members, upon petition of the county voters equal to at least ten percent of the voters voting at the last county general election. At least twenty percent of the signatures on the petition shall come from each of the existing commissioner districts.

Any petition requesting that such an election be held shall be submitted to the county auditor for verification of the signatures thereon. Within no more than thirty days after the submission of the petition, the auditor shall determine if the petition contains the requisite number of valid signatures. The auditor shall certify whether or not the petition has been signed by the requisite number of county voters and forward such petition to the board of county commissioners. If the petition has been signed by the requisite number of county voters, the board of county commissioners shall submit such a proposition to the voters for their approval or rejection at the next general election held at least sixty days after the proposition has been certified by the auditor.

Sec. 10. RCW 44.05.080 and 2017 3rd sp.s. c 25 s 33 are each amended to read as follows:

In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to carry out the provisions of Article II, section 43 of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.56 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.30.035;

(6) Be subject to the provisions of RCW 42.17A.700;

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries;

(8) Adopt a districting plan for a noncharter county with a population of four hundred thousand or more, pursuant to section 5 of this act.

NEW SECTION. Sec. 11. This act may be known and cited as the responsible representation act.

NEW SECTION. Sec. 12. 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. 13. Section 9 of this act takes effect January 1, 2021.

Passed by the House March 3, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 28, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 302

[House Bill 1085]

SINGLE FAMILY DETACHED HOMES--MINIMUM FLOOR AREA

AN ACT Relating to regulation of the minimum dimensions of habitable spaces in single-family residential buildings; amending RCW 19.27.060, 35.63.080, 35A.63.100, 36.43.010, and 36.70.750; and creating a new section.

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

****NEW SECTION. Sec. 1. The legislature finds that there is a growing need for ecologically sustainable and affordable housing, and small home construction is a way to meet this need. The legislature also finds that regulations mandating a minimum gross floor area for single-family dwellings, such as minimum floor or room area requirements, that do not further fire, life safety, or environmental purposes, objectives, or standards prevent construction of small homes. It is the intent of the legislature that counties, cities, and towns may adopt regulations eliminating any minimum gross floor area requirement for single-family dwellings or providing a minimum gross floor area requirement that is below the minimum***

performance standards and objectives contained in the state building code, unless such regulations are necessary to ensure that buildings meet fire, life safety, or environmental standards.

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

Sec. 2. RCW 19.27.060 and 2015 c 226 s 1 are each amended to read as follows:

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 as amended and adopted by the state building code council as they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code except as provided in subsection (2) of this section.

(a) Except as provided in subsection (2) of this section, no amendment to a code enumerated in RCW 19.27.031 as amended and adopted by the state building code council that affects single-family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b).

(b) Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) The legislative body of a county or city, in exercising the authority provided under subsection (1) of this section to amend the code enumerated in RCW 19.27.031(1)(b), may adopt amendments that eliminate any minimum gross floor area requirement for single-family detached dwellings or that provide a minimum gross floor area requirement below the minimum performance standards and objectives contained in the state building code.

(3) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any governmental subdivision or unit of local government.

~~((3))~~ (4) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single-family or multifamily residential buildings. However, in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code. A governing body of a county or city may inspect facilities used for temporary storage and processing of agricultural commodities.

~~((4))~~ (5) No provision of the uniform fire code concerning roadways shall be part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

~~((5))~~ (6) The provisions of the state building code may be preempted by any city or county to the extent that the code provisions relating to the installation or use of sprinklers in jail cells conflict with the secure and humane operation of jails.

~~((6))~~ (7)(a) Effective one year after July 23, 1989, the governing bodies of counties and cities may adopt an ordinance or resolution to exempt from permit requirements certain construction or alteration of either group R, division 3, or group M, division 1 occupancies, or both, as defined in the uniform building code, 1988 edition, for which the total cost of fair market value of the construction or alteration does not exceed fifteen hundred dollars. The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.031, as amended and maintained by the state building code council under RCW 19.27.070.

(b) Prior to July 23, 1989, the state building code council shall adopt by rule, guidelines exempting from permit requirements certain construction and alteration activities under (a) of this subsection.

Sec. 3. RCW 35.63.080 and 1979 ex.s. c 170 s 4 are each amended to read as follows:

(1) The council or board may provide for the preparation by its commission and the adoption and enforcement of coordinated plans for the physical development of the municipality. For this purpose the council or board, in such measure as is deemed reasonably necessary or requisite in the interest of health, safety, morals, and the general welfare, upon recommendation by its commission, by general ordinances of the city or general resolution of the board, may:

(a) Regulate and restrict:

(i) The location and the use of buildings, structures, and land for residence, trade, industrial, and other purposes;

(ii) The height, number of stories, size, construction, and design of buildings and other structures;

(iii) The size of yards, courts, and other open spaces on the lot or tract;

(iv) The density of population;

(v) The set-back of buildings along highways, parks, or public water frontages; and

(vi) The subdivision and development of land; ~~(and may)~~

(b) Eliminate the minimum gross floor area requirements for single-family detached dwellings or reduce the requirements below the minimum performance standards and objectives contained in the state building code; and

(c) Encourage and protect access to direct sunlight for solar energy systems.

~~((A))~~ (2) The council of a city where ~~((such))~~ ordinances adopted in accordance with this section are in effect~~((;))~~ may, on the recommendation of its commission, provide for the appointment of a board of adjustment~~((;))~~ to make, in appropriate cases and subject to appropriate conditions and safeguards established by ordinance, special exceptions in harmony with the general purposes and intent and in accordance with general or specific rules therein contained.

Sec. 4. RCW 35A.63.100 and 1979 ex.s. c 170 s 8 are each amended to read as follows:

After approval of the comprehensive plan~~((, as set forth above))~~ in accordance with provisions of this chapter, the legislative body, in developing the municipality and in regulating the use of land, may implement or give effect to the comprehensive plan or parts thereof by ordinance or other action to such

extent as the legislative body deems necessary or appropriate. Such ordinances or other action may provide for:

(1) Adoption of an official map and regulations relating thereto designating locations and requirements for one or more of the following: Streets, parks, public buildings, and other public facilities, and protecting such sites against encroachment by buildings and other physical structures.

(2)(a)(i) Dividing the municipality, or portions thereof, into appropriate zones within which specific standards, requirements, and conditions may be provided for regulating: ~~The use of public and private land, buildings, and structures(, and);~~ the location, height, bulk, number of stories, and size of buildings and structures(,); size of yards, courts, ~~and open spaces(,);~~ density of population(,); ratio of land area to the area of buildings and structures(,); setbacks(,); area required for off-street parking(,); protection of access to direct sunlight for solar energy systems(,); and such other standards, requirements, regulations, and procedures as are appropriately related thereto.

(ii) Eliminating the minimum gross floor area requirements for single-family detached dwellings or reducing the requirements below the minimum performance standards and objectives contained in the state building code.

(b) The ordinance encompassing the matters of this subsection (2) is hereinafter called the "zoning ordinance." No zoning ordinance, or amendment thereto, shall be enacted by the legislative body without at least one public hearing, notice of which shall be given as set forth in RCW 35A.63.070. Such hearing may be held before the planning agency or the board of adjustment or such other body as the legislative body shall designate.

(3) Adoption of design standards, requirements, regulations, and procedures for the subdivision of land into two or more parcels, including, but not limited to, the approval of plats, dedications, acquisitions, improvements, and reservation of sites for public use.

(4) Scheduling public improvements on the basis of recommended priorities over a period of years, subject to periodic review.

(5) Such other matters as may be otherwise authorized by law or as the legislative body deems necessary or appropriate to effectuate the goals and objectives of the comprehensive plan or parts thereof and the purposes of this chapter.

Sec. 5. RCW 36.43.010 and 1963 c 4 s 36.43.010 are each amended to read as follows:

(1) The boards of county commissioners may adopt standard building codes and standard fire regulations to be applied within their respective jurisdictions.

(2) The boards of county commissioners may eliminate the minimum gross floor area requirements for single-family detached dwellings or reduce the requirements below the minimum performance standards and objectives contained in the state building code.

Sec. 6. RCW 36.70.750 and 1963 c 4 s 36.70.750 are each amended to read as follows:

Any board, by ordinance, may establish classifications, within each of which, specific controls are identified, and which will regulate:

(1) ~~(Regulate)~~ The use of buildings, structures, and land as between agriculture, industry, business, residence, and other purposes;

(2) (~~Regulate~~) The location, height, bulk, number of stories, and size of buildings and structures; the size of yards, courts, and other open spaces; the density of population; the percentage of a lot which may be occupied by buildings and structures; and the area required to provide off-street facilities for the parking of motor vehicles; and

(3) The minimum gross floor area requirements for single-family detached dwellings, including the elimination of such requirements or reduction of such requirements below the minimum performance standards and objectives contained in the state building code.

Passed by the House January 24, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 28, 2018, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State March 29, 2018.

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

"I am returning herewith, without my approval as to Section 1, House Bill No. 1085 entitled:

"AN ACT Relating to regulation of the minimum dimensions of habitable spaces in single-family residential buildings."

House Bill 1085 authorizes the governing body of a city or county to adopt ordinances eliminating floor space requirements for single-family dwellings or reduce the requirements for floor space below the minimum gross floor area standards of the state building code. Currently, the state building code requires that habitable rooms have a minimum floor area of at least 70 square feet and must be at least seven feet wide. While I support the broader intent of this legislation, which allows for ecologically sustainable and affordable small home construction, I am concerned that Section 1 establishes legislative intent and precedent to create exemptions to the building code standards, without considering how these exemptions will be implemented consistently by local governments.

The Washington State Building Codes Council adopts statewide residential construction standards in consultation with technical experts, after rigorous review of international best practices. Smaller sleeping and living spaces should only be allowed after a rigorous review to ensure safety and health of occupants. I am asking the Council to develop, through a technical advisory group or other such means, appropriate guidance for consideration by local jurisdictions in implementation of this statute so that life, health and safety considerations are properly addressed when square footage of habitable space is reduced.

I encourage the local jurisdictions to request opinions from the State Building Codes Council with respect to reducing gross floor area requirements as they relate to other performance standards and objectives. This guidance will be beneficial to local officials in determining how best to adopt any proposed reduction to minimum gross floor area requirements while ensuring occupant health, safety and quality of life.

For these reasons I have vetoed Section 1 of House Bill No. 1085.

With the exception of Section 1, House Bill No. 1085 is approved."

CHAPTER 303

[Engrossed House Bill 2097]

RELIGIOUS AFFILIATION--DISCLOSURE

AN ACT Relating to limiting disclosure of information about the religious affiliation of individuals; adding a new section to chapter 49.60 RCW; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 42 RCW; and creating a new section.

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

NEW SECTION. Sec. 1. The legislature finds and declares the following:

(1) Washington state celebrates the rich cultural heritage and diversity of its residents; and

(2) Freedom of religion and protection from persecution on the basis of religion is one of the founding ideals of the nation.

NEW SECTION. Sec. 2. A new section is added to chapter 49.60 RCW to read as follows:

It is an unfair practice for an employer to:

(1) Require an employee to disclose his or her sincerely held religious affiliation or beliefs, unless the disclosure is for the purpose of providing a religious accommodation at the request of the employee; or

(2) Require or authorize an employee to disclose information about the religious affiliation of another employee, unless the individual whose religious affiliation will be disclosed (a) expressly consents to the disclosure, and (b) has knowledge of the purpose for the disclosure.

NEW SECTION. Sec. 3. A state or local government agency or public employee shall not:

(1) Provide or disclose to federal government authorities personally identifiable information regarding the religious beliefs, practices, or affiliation of any individual, except where the employee is a witness to a crime;

(2) Use public funds, facilities, property, equipment, or personnel to assist in creation, implementation, or enforcement of any government program compiling a list, registry, or database of personally identifiable information about individuals based on religious beliefs, practice, or affiliation, for law enforcement or immigration purposes; or

(3) Make personally identifiable information from agency databases available, including any databases maintained by private vendors contracting with the agency, to anyone or any entity for the purpose of investigation or enforcement under any government program compiling a list, registry, or database of individuals based on religious belief, practice, or affiliation, or national origin, or ethnicity for law enforcement or immigration purposes.

NEW SECTION. Sec. 4. State and local law enforcement agencies shall not:

(1) Collect information on the religious belief, practice, or affiliation of any individual except (a) as part of a criminal investigation of an individual based on reasonable suspicion that the individual has engaged in criminal activity, and when there is a nexus between the criminal activity and the specific information collected about religious belief, practice, or affiliation, or (b) where necessary to provide religious accommodations; or

(2) Use public funds, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any criminal, civil, or administrative violation, or warrant for a violation, of any requirement that individuals register with the federal government or any federal agency based on religion.

NEW SECTION. Sec. 5. Any agreements in existence on the effective date of this section that make any state or local government agency information or database available in conflict with the terms of this chapter are terminated on that date to the extent of the conflict.

****NEW SECTION. Sec. 6. Sections 3 through 5 of this act constitute a new chapter in Title 42 RCW.***

**Sec. 6 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 7. A new section is added to chapter 42.56 RCW to read as follows:

All records that relate to or contain personally identifying information about an individual's religious beliefs, practices, or affiliation are exempt from disclosure under this chapter.

Passed by the House March 5, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 28, 2018, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State March 29, 2018.

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

"I am returning herewith, without my approval as to Section 6, Engrossed House Bill No. 2097 entitled:

"AN ACT Relating to limiting disclosure of information about the religious affiliation of individuals."

Engrossed House Bill 2097 prohibits employers, state or local governments from providing, collecting, and/or disclosing an individual's religious belief, practice or affiliation. In a time when divisive rhetoric is used and our liberties are threatened from a national level, I stand with you and will not allow for the government or employers to begin collecting religious information on our residents. We have seen governments collect individuals' religious information before and we know what happens next, but it will certainly not happen on our watch.

Our country was founded by people who came to this country in search of religious freedom, a fundamental value of our democracy. The establishment and free exercise clauses of the First Amendment prevents the government from promoting religion in any way, provides you with the right to worship (or not) as you wish, and prohibits the government from penalizing you for your religious beliefs. The separation of church and state is one of the very reasons why individuals have sought refuge by immigrating to this country.

The intent section of the bill eloquently outlines these values and I believe its codification is necessary so that the horrors of the past will not be repeated. I am, therefore, vetoing Section 6 of the bill, which will enable the Code Reviser to codify the intent language in Section 1. A veto of Section 6 does not impact the bill's policy; rather it strengthens the bill by celebrating the rich cultural heritage and diversity of our residents and reminding us that the freedom of religion is one of the founding ideals of the nation.

In signing this bill, I want to make it clear that it is our duty as public servants to ensure that we are not only meeting the letter of the law, but the spirit as well. It is my intent that this law be implemented fully and consistently by all public agencies across the state. Accordingly, I am directing the Office of Financial Management, in consultation with key legislators and others, to prepare guidance for use by public agencies and institutions, consistent with the following interpretations of the bill:

Section 3(3) prohibits state and local governments and public employees from sharing personally identifiable information with any entity that is investigating or enforcing a government program that compiles a list based on religion, national origin, or ethnicity for law enforcement or immigration purposes. In practice, any personally identifiable information of individuals based on religion, national origin, or ethnicity shall not be shared with any government agency that is compiling a list or database for law enforcement or immigration purposes.

Section 4(2) prohibits state and local law enforcement agencies from using public resources to investigate, enforce, or assist in the investigation or enforcement of any requirement that individuals

register with the federal government or any federal agency based on religion. Our state and local law enforcement agencies shall not assist the federal government in any attempt to require individuals to register based on religion. As specified in Section 4(1)(a) of the bill, this prohibition does not apply when assisting an investigation of an individual based on reasonable suspicion that the individual has engaged in criminal activity, and when there is a nexus between the criminal activity and the specific information collected about religious belief, practice, or affiliation.

Section 5 requires the termination of any portion of an agreement that shares any state or local government information or databases in conflict with this new law. In this context, agreements are not limited to only accords, memorandum of understandings, and contracts, but include any understanding, even those without a legal obligation. Agreements that violate this law shall be identified and the terms renegotiated to bring the agreement into compliance with the law.

I thank you for your unanimous support for this bill.

For these reasons I have vetoed Section 6 of Engrossed House Bill No. 2097.

With the exception of Section 6, Engrossed House Bill No. 2097 is approved."

CHAPTER 304

[Engrossed Substitute House Bill 2938]

CAMPAIGN FINANCE--ENFORCEMENT AND REPORTING

AN ACT Relating to campaign finance law enforcement and reporting; amending RCW 42.17A.055, 42.17A.110, 42.17A.225, 42.17A.235, 42.17A.240, 42.17A.255, 42.17A.265, 42.17A.450, 42.17A.750, 42.17A.755, 42.17A.765, and 42.17A.770; reenacting and amending RCW 42.17A.005 and 42.17A.220; adding new sections to chapter 42.17A RCW; creating a new section; and making appropriations.

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

NEW SECTION. Sec. 1. The legislature finds that state campaign finance laws are intended to provide maximum transparency to the public and voters so they may know who is funding political campaigns and how those campaigns spend their money. Additionally, our campaign finance laws should not be so complex and complicated that volunteers and newcomers to the political process cannot understand the rules or have difficulty following them. The legislature believes that our campaign finance laws should not be a barrier to participating in the political process, but instead encourage people to participate in the process by ensuring a level playing field and a predictable enforcement mechanism. The legislature intends to simplify the political reporting and enforcement process without sacrificing transparency and the public's right to know who funds political campaigns. The legislature also intends to expedite the public disclosure commission's enforcement procedures so that remedial campaign finance violations can be dealt with administratively.

The intent of the law is not to trap or embarrass people when they make honest remediable errors. A majority of smaller campaigns are volunteer-driven and most treasurers are not professional accountants. The public disclosure commission should be guided to review and address major violations, intentional violations, and violations that could change the outcome of an election or materially affect the public interest.

Sec. 2. RCW 42.17A.005 and 2011 c 145 s 2 and 2011 c 60 s 19 are each reenacted and amended to read as follows:

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

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Actual violation" means a violation of this chapter that is not a remedial violation or technical correction.

(3) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

~~((3))~~ (4) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

~~((4))~~ (5) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

~~((5))~~ (6) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

~~((6))~~ (7) "Bona fide political party" means:

(a) An organization that has been recognized as a minor political party by the secretary of state;

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

~~((7))~~ (8) "Books of account" means:

(a) In the case of a campaign or political committee, a ledger or similar listing of contributions, expenditures, and debts, such as a campaign or committee is required to file regularly with the commission, current as of the most recent business day; or

(b) In the case of a commercial advertiser, details of political advertising or electioneering communications provided by the advertiser, including the names and addresses of persons from whom it accepted political advertising or electioneering communications, the exact nature and extent of the services rendered and the total cost and the manner of payment for the services.

(9) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;

(b) Announces publicly or files for office;

(c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or

(d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

~~((8))~~ (10) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

~~((9))~~ (11) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

~~((10))~~ (12) "Commission" means the agency established under RCW 42.17A.100.

~~((11))~~ (13) "Committee" unless the context indicates otherwise, includes any candidate, ballot measure, recall, political, or continuing committee.

(14) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710, "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((12))~~ (15) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

~~((13))~~ (16)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) ~~(Standard)~~ Legally accrued interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within ~~(five)~~ ten business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) 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 subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205; and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection (~~((13))~~) (16)(b)(ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution.

Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

~~((14))~~ (17) "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

~~((15))~~ (18) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

~~((16))~~ (19) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

~~((17))~~ (20) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

~~((18))~~ (21) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

~~((19))~~ (22)(a) "Electioneering communication" means any broadcast, cable, or satellite television ~~((or))~~, radio transmission, digital communication, United States postal service mailing, billboard, newspaper, or periodical that:

(i) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(ii) Is broadcast, transmitted electronically or by other means, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(iii) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of one thousand dollars or more.

(b) "Electioneering communication" does not include:

(i) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(ii) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(iii) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(A) Of primary interest to the general public;

(B) In a news medium controlled by a person whose business is that news medium; and

(C) Not a medium controlled by a candidate or a political committee;

(iv) Slate cards and sample ballots;

(v) Advertising for books, films, dissertations, or similar works (A) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (B) written about a candidate;

(vi) Public service announcements;

(vii) ~~((A-mailed))~~ An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(viii) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(ix) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

~~((20))~~ (23) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political committee of the principal of a loan, the receipt of which loan has been properly reported.

~~((21))~~ (24) "Final report" means the report described as a final report in RCW 42.17A.235(2).

~~((22))~~ (25) "General election" for the purposes of RCW 42.17A.405 means the election that results in the election of a person to a state or local office. It does not include a primary.

~~((23))~~ (26) "Gift" has the definition in RCW 42.52.010.

~~((24))~~ (27) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

~~((25))~~ (28) "Incumbent" means a person who is in present possession of an elected office.

~~((26))~~ (29)(a) "Independent expenditure" means an expenditure that has each of the following elements:

~~((a))~~ (i) It is made in support of or in opposition to a candidate for office by a person who is not ~~((i))~~;

(A) A candidate for that office~~((i))~~;

(B) An authorized committee of that candidate for that office(~~(-iii)~~); and

(C) A person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office(~~(-or (iv))~~);

(ii) It is made in support of or in opposition to a candidate for office by a person with whom the candidate has not collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(~~(b)~~) (iii) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(~~(e)~~) (iv) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of (~~(eight hundred dollars)~~) one-half the contribution limit from an individual per election or more. A series of expenditures, each of which is under (~~(eight hundred dollars)~~) one-half the contribution limit from an individual per election, constitutes one independent expenditure if their cumulative value is (~~(eight hundred dollars)~~) one-half the contribution limit from an individual per election or more.

(~~(27)~~) (b) "Independent expenditure" does not include: Ordinary home hospitality; communications with journalists or editorial staff designed to elicit a news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, controlled by a person whose business is that news medium, and not controlled by a candidate or a political committee; participation in the creation of a publicly funded voters pamphlet statement in written or video form; an internal political communication primarily limited to contributors to a political party organization or political action committee, 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 two hundred fifty dollars personally paid for by the worker.

(30)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

(~~(28)~~) (31) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by

either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

~~((29))~~ (32) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~((30))~~ (33) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~((31))~~ (34) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

~~((32))~~ (35) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

~~((33))~~ (36) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

~~((34))~~ (37) "Participate" means that, with respect to a particular election, an entity:

- (a) Makes either a monetary or in-kind contribution to a candidate;
- (b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;
- (c) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;
- (d) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or
- (e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

~~((35))~~ (38) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

~~((36))~~ (39) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~((37))~~ (40) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the

expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~((38))~~ (41) "Primary" for the purposes of RCW 42.17A.405 means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

~~((39))~~ (42) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~((40))~~ (43) "Public record" has the definition in RCW 42.56.010.

~~((41))~~ (44) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

~~((42))~~ (45) "Remedial violation" means any violation of this chapter that:

(a) Involved expenditures totaling no more than the contribution limits set out under RCW 42.17A.405(2) per election, or one thousand dollars if there is no statutory limit;

(b) Occurred:

(i) More than thirty days before an election, where the commission entered into an agreement to resolve the matter; or

(ii) At any time where the violation did not constitute a material violation because it was inadvertent and minor or otherwise has been cured and, after consideration of all the circumstances, further proceedings would not serve the purposes of this chapter;

(c) Does not materially affect the public interest, beyond the harm to the policy of this chapter inherent in any violation; and

(d) Involved:

(i) A person who:

(A) Took corrective action within five business days after the commission first notified the person of noncompliance, or where the commission did not provide notice and filed a required report within twenty-one days after the report was due to be filed; and

(B) Substantially met the filing deadline for all other required reports within the immediately preceding twelve-month period; or

(ii) A candidate who:

(A) Lost the election in question; and

(B) Did not receive contributions over one hundred times the contribution limit in aggregate per election during the campaign in question.

(46)(a) "Sponsor" for purposes of an electioneering communications, independent expenditures, or political advertising means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

(b) "Sponsor," for purposes of a political committee, means any person, except an authorized committee, to whom any of the following applies:

(i) The committee receives eighty percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(ii) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

~~((43))~~ (47) "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

~~((44))~~ (48) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~((45))~~ (49) "State official" means a person who holds a state office.

~~((46))~~ (50) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17A.255.

~~((47))~~ (51) "Technical correction" means a minor or ministerial error in a required report that does not materially impact the public interest and needs to be corrected for the report to be in full compliance with the requirements of this chapter.

(52) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17A.210, to perform the duties specified in that section.

Sec. 3. RCW 42.17A.055 and 2013 c 166 s 2 are each amended to read as follows:

(1) The commission shall make available to candidates, public officials, and political committees that are required to file reports under this chapter an electronic filing alternative for submitting financial affairs reports, contribution reports, and expenditure reports.

(2) The commission shall make available to lobbyists and lobbyists' employers required to file reports under RCW 42.17A.600, 42.17A.615, 42.17A.625, or 42.17A.630 an electronic filing alternative for submitting these reports.

(3) State agencies required to report under RCW 42.17A.635 must file all reports electronically.

(4) The commission shall make available to candidates, public officials, political committees, lobbyists, and lobbyists' employers an electronic copy of the appropriate reporting forms at no charge.

(5) If the electronic filing system provided by the commission is inoperable for any period of time, the commission must keep a record of the date and time of each instance and post outages on its web site. If a report is due on a day the electronic filing system is inoperable, it is not late if filed the first business day the system is back in operation. The commission must provide notice to all reporting entities when the system is back in operation.

(6) All persons required to file reports under this chapter shall, at the time of initial filing, provide the commission an email address that shall constitute the official address for purposes of all communications from the commission. The

person required to file one or more reports must provide any new email address to the commission within ten days, if the address has changed from that listed on the most recent report. The executive director may waive the email requirement and allow use of a postal address, on the basis of hardship.

(7) The commission must publish a calendar of significant reporting dates on its web site.

Sec. 4. RCW 42.17A.110 and 2015 c 225 s 55 are each amended to read as follows:

The commission may:

(1) Adopt, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint an executive director and set, within the limits established by the office of financial management under RCW 43.03.028, the executive director's compensation. The executive director shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor may it delegate authority to determine ~~((whether))~~ that an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Conduct, as it deems appropriate, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence, and require the production of any records relevant to any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt a code of fair campaign practices;

(8) Adopt rules relieving candidates or political committees of obligations to comply with the election campaign provisions of this chapter, if they have not received contributions nor made expenditures in connection with any election campaign of more than five thousand dollars; and

~~(9) ((Adopt rules prescribing reasonable requirements for keeping accounts of, and reporting on a quarterly basis, costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. For the purposes of this subsection, "legislative information" means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter~~

~~43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations concerning those agencies; and~~

~~(10))~~ Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

Sec. 5. RCW 42.17A.220 and 2010 c 205 s 3 and 2010 c 204 s 405 are each reenacted and amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by ~~((the treasurer or deputy treasurer))~~ candidates, political committee members, paid staff, or treasurers in a depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution. For online or credit card contributions, the contribution is considered received at the time the transfer is made from the merchant account to a candidate or political committee account, except that a contribution made to a candidate who is a state official or legislator outside the restriction period established in RCW 42.17A.560, but transferred to the candidate's account within the restricted period, is considered received outside of the restriction period.

(2) Political committees that support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose only if:

(a) Each such account bears the same name;

(b) Each such account is followed by an appropriate designation that accurately identifies its separate purpose; and

(c) Transfers of funds that must be reported under RCW ~~((42.17A.240(1)(e)))~~ 42.17A.240(5) are not made from more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a depository in bonds, certificates, or tax-exempt securities, or in savings accounts or other similar instruments in financial institutions, or in mutual funds other than the depository but only if:

(a) The commission ~~((are is))~~ is notified in writing of the initiation and the termination of the investment; and

(b) The principal of such investment, when terminated together with all interest, dividends, and income derived from the investment, is deposited in the depository in the account from which the investment was made and properly reported to the commission before any further disposition or expenditure.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's treasurer pursuant to RCW ~~((42.17A.240(1)(b)))~~ 42.17A.240(2), in excess of one percent of the total accumulated contributions received in the current calendar year, or three hundred dollars, whichever is more, may not be deposited, used, or expended, but shall be returned to the donor if his or her identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state and shall be paid to the state treasurer for deposit in the state general fund.

Sec. 6. RCW 42.17A.225 and 2011 c 60 s 22 are each amended to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17A.205, 42.17A.210, and 42.17A.220.

(2) A continuing political committee shall file with the commission a report on the tenth day of each month detailing expenditures made and contributions received for the preceding calendar month. This report need only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17A.240;

(b) Each expenditure made to retire previously accumulated debts of the committee identified by recipient, amount, and date of payments;

(c) Other information the commission shall prescribe by rule.

(3) If a continuing political committee makes a contribution in support of or in opposition to a candidate or ballot proposition within sixty days before the date that the candidate or ballot proposition will be voted upon, the committee shall report pursuant to RCW 42.17A.235.

(4)(a) A continuing political committee shall file reports as required by this chapter until ~~((it is dissolved))~~ the committee has ceased to function and intends to dissolve, at which time, when there is no outstanding debt or obligation and the committee is concluded in all respects, a final report shall be filed. Upon submitting a final report, the continuing political committee must file notice of intent to dissolve with the commission and the commission must post the notice on its web site.

(b) The continuing political committee may dissolve sixty days after it files its notice to dissolve, only if:

(i) The continuing 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, pursuant to this chapter, is pending against the continuing political committee; and

(iii) All penalties assessed by the commission or court order are paid by the continuing political committee.

(c) The continuing political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.

(d) The treasurer may not close the continuing political committee's bank account before the political committee has dissolved.

(e) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there shall be no further obligations ((to make any further reports)) 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.

(5) The treasurer shall maintain books of account, current within five business days, that accurately reflect all contributions and expenditures. During the ~~((eight))~~ ten calendar days immediately preceding the date of any election that the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection in the same manner as provided for candidates and other political committees in RCW 42.17A.235~~((4))~~ (6).

(6) All reports filed pursuant to this section shall be certified as correct by the treasurer.

(7) The treasurer 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.

Sec. 7. RCW 42.17A.235 and 2015 c 54 s 1 are each amended to read as follows:

(1) In addition to the information required under RCW 42.17A.205 and 42.17A.210, ~~((on the day the treasurer is designated,))~~ each candidate or political committee must file with the commission a report of all contributions received and expenditures made ~~((prior to that date, if any))~~ as a political committee on the next reporting date pursuant to the timeline established in this section.

(2) Each treasurer shall file with the commission a report, for each election in which a candidate or political 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 day immediately preceding the date on which the election is held; and

(b) On the tenth day of the first full month after the election~~((; and))~~.

~~((+))~~ (3) Each treasurer shall file with the commission a report on the tenth day of each month ((in) during which ((no other reports are required to be filed under this section)) the candidate or political committee is not participating in an election campaign, 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.

(4) The report filed twenty-one 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. 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 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.

~~((3))~~ (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 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 in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer

for his or her records. In the event of deposits made by ~~((a deputy treasurer))~~ candidates, political committee members, or paid staff other than the treasurer, the copy shall be ~~((forwarded))~~ immediately provided to the treasurer for his or her records. Each report shall be certified as correct by the treasurer ~~((or deputy treasurer making the deposit))~~.

~~((4))~~ (6)(a) The treasurer or candidate 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 ~~((eight))~~ ten 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 committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at ~~((the designated))~~ a place agreed upon by both the treasurer and the requestor, for inspections between ~~((8:00))~~ 9:00 a.m. and ~~((8:00))~~ 5:00 p.m. on any day from the ~~((eighth))~~ tenth 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 ~~((twenty-four))~~ forty-eight 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.

(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.

~~((5))~~ (7) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection ~~((4))~~ (6) of this section ~~((at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission))~~.

~~((6))~~ (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))~~ two calendar years following the year during which the transaction occurred or for any longer period as otherwise required by law.

~~((7))~~ (9) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

~~((8))~~ (10) It is not a violation of this section to submit an amended report within twenty-one days of filing an underlying report if:

(a) The report is accurately amended;

(b) The corrected report is filed more than thirty days before an election;

(c) The total aggregate dollar amount of the adjustment for the individual report is within three times the contribution limit per election or two hundred dollars, 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.

(11)(a) When there is no outstanding debt or obligation, the campaign fund is closed, ~~((and))~~ the campaign is concluded in all respects ~~((or in the case of a political committee)),~~ and the committee has ceased to function and ~~((has dissolved))~~ intends to dissolve, the treasurer shall file a final report. Upon submitting a final report, the committee must file notice of intent to dissolve with the commission and the commission must post the notice on its web site.

(b) Any committee may dissolve sixty 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 are 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) The treasurer may not close the political committee's bank account before the political committee has dissolved.

(e) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there ~~((is))~~ shall be no further obligations ~~((to make any further reports))~~ 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.

Sec. 8. RCW 42.17A.240 and 2010 c 204 s 409 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) and (2) must be certified as correct by the treasurer and the candidate and shall disclose the following:

(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)))~~ (b) 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; and

~~((d))~~ (c) The money value of contributions of postage shall be 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) 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;

(6) 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;

(7) The name and address of each person directly compensated 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 (6) of this section;

(8)(a) The name and address of any person and the amount owed for any debt (, obligation, note, unpaid loan, or other liability in the amount) with a value of more than ~~((two))~~ seven hundred fifty dollars ~~((or in the amount of more than fifty dollars that has been outstanding for over thirty days))~~ 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:

(i) Regularly recurring expenditures of the same amount that have already been reported at least once and that are not late or outstanding; or

(ii) Any obligations already reported to pay for goods and services made by a third party on behalf of a candidate or political committee after the original payment or debt to that party has been reported;

(9) The surplus or deficit of contributions over expenditures;

(10) The disposition made in accordance with RCW 42.17A.430 of any surplus funds; and

(11) Any other information required by the commission by rule in conformance with the policies and purposes of this chapter.

**Sec. 9. RCW 42.17A.255 and 2011 c 60 s 24 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.220, 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 or more))~~ the contribution limit from an individual per election found in RCW 42.17A.405 for that office, 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. For purposes of this section, in addition to the meaning of "independent expenditure" under RCW 42.17A.005, any expenditure in excess of one-half the contribution limit per election for a local measure or in excess of the contribution limit per election for a statewide measure in support of or opposition to a ballot measure, must be reported as an in-kind contribution to a political committee associated with support or opposition to that ballot measure or, in the event no such committee exists, reported as an independent expenditure.

~~((3))~~ (2) At the following intervals each person who is required to file an initial report pursuant to subsection ((2)) (1) of this section shall file with the commission a further report of the independent expenditures made since the date of the last report:

(a) On the twenty-first day and the seventh day preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection ~~((3))~~ (2) 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 paragraph (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and))~~ If the reporting person has not made any independent expenditures since the date of the last report on file, there shall be no obligation to make any further reports.

~~((4))~~ (3) All reports filed pursuant to this section shall be certified as correct by the reporting person.

~~((5))~~ (4) Each report required by subsections ((2)) (1) and ((3)) (2) 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 business day before the date the report is due:

(a) The name and address 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, 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; and

(d) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

*Sec. 9 was vetoed. See message at end of chapter.

*Sec. 10. RCW 42.17A.265 and 2010 c 204 s 414 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, is)~~) exceeds three times the contribution limit per election from a single person or entity, and is received during a special reporting period.

(2) A political committee treasurer shall prepare and deliver to the commission a special report when (~~(#)~~) the political committee makes a contribution or an aggregate of contributions to a single entity that (~~(totals one thousand dollars or more)~~) exceeds three times the contribution limit from an individual per election during a special reporting period.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. 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 (~~(including but not limited to mailgram, telegram, or night letter)~~). The special report may be transmitted orally by telephone to the commission if the written form of the report is postmarked and mailed to the

commission or the electronic filing is transferred to the commission within the delivery periods established in (a) and (b) of this subsection.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The qualifying contribution (~~(of one thousand dollars or more)~~) amount is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first equals (~~(one thousand dollars)~~) the qualifying amount or more; or 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, within twenty-four hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first equals (~~(one thousand dollars)~~) the qualifying amount or more; or any subsequent contribution to the same person or entity is made.

(7) 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; and

(e) Any other information the commission may by rule require.

(8) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(9) The commission shall (~~prepare daily a summary of~~) make the special reports made under this section and RCW 42.17A.625 available on its web site within one business day.

(10) 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. 10 was vetoed. See message at end of chapter.*

Sec. 11. RCW 42.17A.450 and 1993 c 2 s 5 are each amended to read as follows:

(1) Contributions by (~~(a husband and wife)~~) spouses are considered separate contributions.

(2) Contributions by unemancipated children under eighteen years of age are considered contributions by their parents and are attributed proportionately to each parent. Fifty percent of the contributions are attributed to each parent or, in the case of a single custodial parent, the total amount is attributed to the parent.

Sec. 12. RCW 42.17A.750 and 2013 c 166 s 1 are each amended to read as follows:

(1) In addition to the penalties in subsection (2) of this section, and any other remedies provided by law, one or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of that election may be held void and a special election held within sixty days of the finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his or her registration may be revoked or suspended and he or she may be enjoined from receiving compensation or making expenditures for lobbying. The imposition of a sanction shall not excuse the lobbyist from filing statements and reports required by this chapter.

(c) A person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each violation. However, a person or entity who violates RCW 42.17A.405 may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(d) When assessing a civil penalty, the court may consider the nature of the violation and any relevant circumstances, including the following factors:

(i) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, resulted from a knowing or intentional effort to conceal, deceive or mislead, or from collusive behavior, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(ii) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period or otherwise had a significant or material impact on the public;

(iii) Experience with campaign finance law and procedures or the financing, staffing, or size of the respondent's campaign or organization;

(iv) The amount of financial activity by the respondent during the statement period or election cycle;

(v) Whether the late or unreported activity was within three times the contribution limit per election, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(vi) Whether the respondent or any person benefited politically or economically from the noncompliance;

(vii) Whether there was a personal emergency or illness of the respondent or member of his or her immediate family;

(viii) Whether other emergencies such as fire, flood, or utility failure prevented filing;

(ix) Whether there was commission staff or equipment error, including technical problems at the commission that prevented or delayed electronic filing;

(x) The respondent's demonstrated good-faith uncertainty concerning commission staff guidance or instructions;

(xi) Whether the respondent is a first-time filer;

(xii) Good faith efforts to comply, including consultation with commission staff prior to initiation of enforcement action and cooperation with commission

staff during enforcement action and a demonstrated wish to acknowledge and take responsibility for the violation;

(xiii) Penalties imposed in factually similar cases; and

(xiv) Other factors relevant to the particular case.

(e) A person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each delinquency continues.

((e)) (f) Each state agency director who knowingly fails to file statements required by RCW 42.17A.635 shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars per statement. These penalties are in addition to any other civil remedies or sanctions imposed on the agency.

((f)) (g) A person who fails to report a contribution or expenditure as required by this chapter may be subject to a civil penalty equivalent to the amount not reported as required.

((g)) (h) Any state agency official, officer, or employee who is responsible for or knowingly directs or expends public funds in violation of RCW 42.17A.635 (2) or (3) may be subject to personal liability in the form of a civil penalty in an amount that is at least equivalent to the amount of public funds expended in the violation.

((h)) (i) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

(2) The commission may refer the following violations for criminal prosecution:

(a) A person who, with actual malice, violates a provision of this chapter is guilty of a misdemeanor under chapter 9.92 RCW;

(b) A person who, within a five-year period, with actual malice, violates three or more provisions of this chapter is guilty of a gross misdemeanor under chapter 9.92 RCW; and

(c) A person who, with actual malice, procures or offers any false or forged document to be filed, registered, or recorded with the commission under this chapter is guilty of a class C felony under chapter 9.94A RCW.

Sec. 13. RCW 42.17A.755 and 2011 c 145 s 7 are each amended to read as follows:

(1) The commission may ((a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such a determination.) initiate or respond to a complaint, request a technical correction, or otherwise resolve matters of compliance with this chapter, in accordance with this section. If a complaint is filed with or initiated by the commission, the commission must:

(a) Dismiss the complaint or otherwise resolve the matter in accordance with subsection (2) of this section, as appropriate under the circumstances after conducting a preliminary review;

(b) Initiate an investigation to determine whether an actual violation has occurred, conduct hearings, and issue and enforce an appropriate order, in accordance with chapter 34.05 RCW and subsection (3) of this section; or

(c) Refer the matter to the attorney general, in accordance with subsection (4) of this section.

~~(2) ((The commission))~~ (a) For complaints of remedial violations or requests for technical corrections, the commission may, by rule, delegate authority to its executive director to resolve these matters in accordance with subsection (1)(a) of this section, provided the executive director consistently applies such authority.

(b) The commission shall, by rule, develop additional processes by which a respondent may agree by stipulation to any allegations and pay a penalty subject to a schedule of violations and penalties, unless waived by the commission as provided for in this section. Any stipulation must be referred to the commission for review. If approved or modified by the commission, agreed to by the parties, and the respondent complies with all requirements set forth in the stipulation, the matter is then considered resolved and no further action or review is allowed.

(3) If the commission initiates an investigation, an initial hearing must be held within ninety days of the complaint being filed. Following an investigation, in cases where it chooses to determine whether an actual violation has occurred, the commission shall hold a hearing pursuant to the administrative procedure act, chapter 34.05 RCW(~~, to make a determination~~)). Any order that the commission issues under this section shall be pursuant to such a hearing.

~~((3) In lieu of holding a hearing or issuing an order under this section,))~~ (a) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17A.750(1) (b) through (h), or other requirements as the commission determines appropriate to effectuate the purposes of this chapter.

(b) The commission may assess a penalty in an amount not to exceed ten thousand dollars per violation, unless the parties stipulate otherwise. Any order that the commission issues under this section that imposes a financial penalty must be made pursuant to a hearing, held in accordance with the administrative procedure act, chapter 34.05 RCW.

(c) The commission has the authority to waive a penalty for a first-time actual violation. A second actual violation of the same requirement by the same person, regardless if the person or individual committed the actual violation for a different political committee, shall result in a penalty. Successive actual violations of the same requirement shall result in successively increased penalties. The commission may suspend any portion of an assessed penalty contingent on future compliance with this chapter. The commission must create a schedule to enhance penalties based on repeat actual violations by the person.

(d) Any order issued by the commission is subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that jurisdiction, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17A.760.

(4) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general (~~or other enforcement agency as provided in RCW 42.17A.105~~)) consistent with this section, when the commission believes:

(a) Additional authority is needed to ensure full compliance with this chapter;

(b) An actual violation potentially warrants a penalty greater than the commission's penalty authority; or

(c) The maximum penalty the commission is able to levy is not enough to address the severity of the violation.

~~((4) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17A.750(1) (b) through (e). The commission may assess a penalty in an amount not to exceed ten thousand dollars.~~

~~(5) The commission has the authority to waive a fine for a first time violation. A second violation of the same rule by the same person or individual, regardless if the person or individual committed the violation for a different political committee, shall result in a fine. Succeeding violations of the same rule shall result in successively increased fines.~~

~~(6) An order issued by the commission under this section shall be subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17A.760.))~~

Sec. 14. RCW 42.17A.765 and 2010 c 204 s 1004 are each amended to read as follows:

(1)(a) Only after a matter is referred by the commission, under RCW 42.17A.755, the attorney general ((and the prosecuting authorities of political subdivisions of this state)) may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17A.750. The attorney general must provide notice of his or her decision whether to commence an action on the attorney general's office web site within forty-five days of receiving the referral, which constitutes state action for purposes of this chapter.

(b) The attorney general should use the enforcement powers in this section in a consistent manner that provides guidance in complying with the provisions of this chapter to candidates, political committees, or other individuals subject to the regulations of this chapter.

~~(2) The attorney general ((and the prosecuting authorities of political subdivisions of this state)) may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this chapter.~~

~~(3) When the attorney general ((or the prosecuting authority of any political subdivision of this state)) requires the attendance of any person to obtain such~~

information or produce the accounts, bills, receipts, books, papers, and documents that may be relevant or material to any investigation authorized under this chapter, he or she shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. The order shall have the same force and effect as a subpoena, shall be effective statewide, and, upon application of the attorney general (~~or the prosecuting authority~~), obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and the action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

~~((4) A person who has notified the attorney general and the prosecuting attorney in the county in which the violation occurred in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself or herself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter.~~

~~(a) This citizen action may be brought only if:~~

~~(i) The attorney general and the prosecuting attorney have failed to commence an action hereunder within forty-five days after the notice;~~

~~(ii) The person has thereafter further notified the attorney general and prosecuting attorney that the person will commence a citizen's action within ten days upon their failure to do so;~~

~~(iii) The attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice; and~~

~~(iv) The citizen's action is filed within two years after the date when the alleged violation occurred.~~

~~(b) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state of Washington for costs and attorneys' fees he or she has incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the defendant.~~

~~(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he or she shall be awarded all costs of trial, and may be awarded reasonable attorneys' fees to be fixed by the court to be paid by the state of Washington.)~~

Sec. 15. RCW 42.17A.770 and 2011 c 60 s 26 are each amended to read as follows:

Except as provided in ((RCW 42.17A.765(4)(a)(iv))) section 16(4) of this act, any action brought under the provisions of this chapter must be commenced within five years after the date when the violation occurred.

NEW SECTION. Sec. 16. A new section is added to chapter 42.17A RCW to read as follows:

(1) A person who has reason to believe that a provision of this chapter is being or has been violated may bring a citizen's action in the name of the state, in accordance with the procedures of this section.

(2) A citizen's action may be brought and prosecuted only if the person first has filed a complaint with the commission and:

(a) The commission has not taken action authorized under RCW 42.17A.755(1) within ninety days of the complaint being filed with the commission; and

(b) For matters referred to the attorney general within ninety days of the commission receiving the complaint, the attorney general has not commenced an action within forty-five days of receiving referral from the commission.

(3) To initiate the citizen's action, after meeting the requirements under subsection (2) of this section, a person must notify the attorney general and the commission that he or she will commence a citizen's action within ten days if the commission does not take action or, if applicable, the attorney general does not commence an action.

(4) The citizen's action must be commenced within two years after the date when the alleged violation occurred and may not be commenced against a committee before the end of such period if the committee has received an acknowledgment of dissolution.

(5) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state for reasonable costs and reasonable attorneys' fees the person incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all trial costs and reasonable attorneys' fees incurred by the defendant.

NEW SECTION. Sec. 17. A new section is added to chapter 42.17A RCW to read as follows:

In any action brought under this chapter, the court may award to the commission all reasonable costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he or she shall be awarded all costs of trial and may be awarded reasonable attorneys' fees to be fixed by the court and paid by the state of Washington.

NEW SECTION. Sec. 18. A new section is added to chapter 42.17A RCW to read as follows:

The public disclosure transparency account is created in the state treasury. All receipts from penalties collected pursuant to enforcement actions or settlements under this chapter, including any fees or costs, must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account may be used only for the implementation of this act and duties under this chapter, and may not be used to supplant general fund appropriations to the commission.

NEW SECTION. Sec. 19. (1) The sum of one hundred twenty-five thousand dollars is appropriated for the fiscal year ending June 30, 2018, from the general fund—state account to the public disclosure commission solely for the purposes of administering chapter 42.17A RCW.

(2) The sum of one hundred twenty-five thousand dollars is appropriated for the fiscal year ending June 30, 2019, from the general fund—state account to the public disclosure commission solely for the purposes of administering chapter 42.17A RCW.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed by the House March 3, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 28, 2018, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State March 29, 2018.

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

"I am returning herewith, without my approval as to Sections 9 and 10, Engrossed Substitute House Bill No. 2938 entitled:

"AN ACT Relating to campaign finance law enforcement and reporting."

Section 9 addresses independent expenditure reporting requirements. Due to an inadvertent drafting error, Section 9 does not provide clear guidance regarding independent expenditure reporting requirements for ballot measures. I understand that the changes in this section were intended to eliminate the need to adjust disclosure thresholds for inflation in the future, and I appreciate that this unintended consequence was brought to my attention by the Attorney General and the proponents of the legislation. By vetoing Section 9, current law, which does provide adequate guidance regarding independent expenditure reporting requirements for ballot measures, will remain in place. I look forward to working with the Legislature on this issue in the next legislative session. For these reasons, I am vetoing Section 9.

Section 10 addresses special reporting requirements for large contributions. I understand that the intent of this section was to simplify reporting requirements that shine a light on last minute large contributions. However, due to an inadvertent drafting error, proposed changes in this section could result in delayed reporting of some large expenditures made close to election day. Again, I appreciate that this drafting error was brought to my attention, and I understand that stakeholders will continue to work on this issue and propose a solution in the next legislative session. For these reasons, I am vetoing Section 10.

I encourage the Public Disclosure Commission to work closely with the Legislature and the Attorney General's Office (AGO) over the interim to clarify the role of the AGO as it relates to large and significant cases, to adopt rules that allow for expedited referrals to the AGO, and to draft agency-request legislation to be introduced next session that will make necessary improvements to the new statute.

For these reasons I have vetoed Sections 9 and 10 of Engrossed Substitute House Bill No. 2938.

With the exception of Sections 9 and 10, Engrossed Substitute House Bill No. 2938 is approved."

CHAPTER 305

[Substitute Senate Bill 6124]

INVOLUNTARY COMMITMENT ACT--COURT HEARINGS BY VIDEO

AN ACT Relating to clarifying that court hearings under the involuntary commitment act may be conducted by video; and amending RCW 71.05.020.

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

Sec. 1. RCW 71.05.020 and 2017 3rd sp.s. c 14 s 14 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) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

(7) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW;

(8) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(9) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(10) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(11) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(12) "Department" means the department of social and health services;

(13) "Designated crisis responder" means a mental health professional appointed by the behavioral health organization to perform the duties specified in this chapter;

(14) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(16) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(17) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(18) "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;

(19) "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 certified as such by the department. The department 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 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;

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(21) "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;

(22) "Hearing" means any proceeding conducted in open court. For purposes of this chapter, at any hearing the petitioner, the respondent, the witnesses, and the presiding judicial officer may be present and participate either in person or by video, as determined by the court. The term "video" as used herein shall include any functional equivalent. At any hearing conducted by video, the technology used must permit the judicial officer, counsel, all parties, and the witnesses to be able to see, hear, and speak, when authorized, during the hearing; to allow attorneys to use exhibits or other materials during the hearing; and to allow respondent's counsel to be in the same location as the respondent unless otherwise requested by the respondent or the respondent's counsel. Witnesses in a proceeding may also appear in court through other means, including telephonically, pursuant to the requirements of superior court civil rule 43. Notwithstanding the foregoing, the court, upon its own motion or upon a motion for good cause by any party, may require all parties and witnesses to participate in the hearing in person rather than by video. In ruling on any such motion, the court may allow in-person or video testimony; and the court may consider, among other things, whether the respondent's alleged mental illness affects the respondent's ability to perceive or participate in the proceeding by video;

(23) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction;

((23)) (24) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

((24)) (25) "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;

((25)) (26) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a

mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

~~((26))~~ (27) "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;

~~((27))~~ (28) "In need of assisted outpatient mental health treatment" means that a person, as a result of a mental disorder: (a) Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty-six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty-six months preceding the date of initial detention of the current commitment cycle; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation;

~~((28))~~ (29) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((29))~~ (30) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

~~((30))~~ (31) "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;

~~((31))~~ (32) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

~~((32))~~ (33) "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;

~~((33))~~ (34) "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;

~~((34))~~ (35) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

~~((35))~~ (36) "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;

~~((36))~~ (37) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

~~((37))~~ (38) "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;

~~((38))~~ (39) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW;

~~((39))~~ (40) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders;

~~((40))~~ (41) "Professional person" means a mental health professional, chemical dependency 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;

~~((41))~~ (42) "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;

~~((42))~~ (43) "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;

~~((43))~~ (44) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((44))~~ (45) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

~~((45))~~ (46) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

~~((46))~~ (47) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((47))~~ (48) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((48))~~ (49) "Secretary" means the secretary of the department of social and health services, or his or her designee;

~~((49))~~ (50) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

~~((50))~~ (51) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

~~((51))~~ (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;

~~((52))~~ (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;

~~((53))~~ (54) "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;

~~((54))~~ (55) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health

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, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

~~((55))~~ (56) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services 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;

~~((56))~~ (57) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Passed by the Senate February 14, 2018.

Passed by the House March 1, 2018.

Approved by the Governor March 28, 2018.

Filed in Office of Secretary of State March 29, 2018.

CHAPTER 306

[Second Engrossed Substitute House Bill 2057]

RESIDENTIAL REAL PROPERTY--ABANDONMENT AND FORECLOSURE

AN ACT Relating to the services and processes available when residential real property is abandoned or in foreclosure; amending RCW 61.24.030, 61.24.040, 61.24.045, 61.24.050, 61.24.130, 61.24.163, and 61.24.173; adding a new section to chapter 61.24 RCW; adding a new section to chapter 61.12 RCW; and adding a new chapter to Title 7 RCW.

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

Sec. 1. RCW 61.24.030 and 2012 c 185 s 9 are each amended to read as follows:

It shall be requisite to a trustee's sale:

- (1) That the deed of trust contains a power of sale;
- (2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;
- (3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;
- (4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and

(b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the (~~owner~~) holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the (~~actual~~) holder of (~~the~~) any promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default and, for residential real property, the beneficiary declaration specified in subsection (7)(a) of this section shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and

publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future, or no less than one hundred fifty days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is owner-occupied residential real property, a statement, prominently set out at the beginning of the notice, which shall state as follows:

**"THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT
IN YOUR
LOSING YOUR HOME.**

You may be eligible for mediation in front of a neutral third party to help save your home.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than twenty days after the Notice of Trustee Sale is recorded.

DO NOT DELAY. If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Web site:

The United States Department of Housing and Urban Development

Telephone: Web site:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Web site:"

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice; ~~((and))~~

(l) In the event the property secured by the deed of trust is residential real property, the name and address of the ~~((owner))~~ holder of any promissory note~~((s))~~ or other obligation~~((s))~~ secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust; ~~((and))~~

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

(i) The current beneficiary of the deed of trust;

(ii) The current mortgage servicer for the deed of trust; and

(iii) The current trustee for the deed of trust;

(9) That, for owner-occupied residential real property, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case where the borrower or grantor is known to the mortgage servicer or trustee to be deceased, the notice required under subsection (8) of this section must be sent to any spouse, child, or parent of the borrower or grantor known to the trustee or mortgage servicer, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. The claimant must be allowed thirty days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A

claimant has sixty days from the date of the request to present this documentation.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of the claimant prior to the expiration of the sixty days provided in (b) of this subsection, then the servicer or trustee must, within twenty days of receipt of proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process, necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c), (e), and (f) of this subsection (11) do not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under the deed of trust act in favor of other allowed methods for pursuit of foreclosure of the security interest or deed of trust security interest.

Sec. 2. RCW 61.24.040 and 2012 c 185 s 10 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, or if a letter under RCW 61.24.031 is required, at least one hundred twenty days before the sale, the trustee shall:

(a) Record a notice in the form described in (~~((f) of this))~~ subsection (2) of this section in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in (~~((f) of this))~~ subsection (2) of this section to be

transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i)(A) The borrower and grantor;

(B) In the case where the borrower or grantor is deceased, to any successors in interest. If no successor in interest has been established, then to any spouse, child, or parent of the borrower or grantor, at the addresses discovered by the trustee pursuant to RCW 61.24.030(10);

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in (~~((f) of this))~~ subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in (~~((f) of this))~~ subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in (~~((f) of this))~~ subsection (2) of this section to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property(~~;~~

~~(f))~~ (2)(a) If foreclosing on a commercial loan under RCW 61.24.005(4), the title of the document must be "Notice of Trustee's Sale of Commercial Loan(s)";

(b) In addition to all other indexing requirements, the notice required in subsection (1) of this section must clearly indicate on the first page the following information, which the auditor will index:

(i) The document number or numbers given to the deed of trust upon recording;

(ii) The parcel number(s);

(iii) The grantor;

(iv) The current beneficiary of the deed of trust;

(v) The current trustee of the deed of trust; and

(vi) The current loan mortgage servicer of the deed of trust;

(c) Nothing in this section:

(i) Requires a trustee or beneficiary to cause to be recorded any new notice of trustee's sale upon transfer of the beneficial interest in a deed of trust or the servicing rights for the associated mortgage loan;

(ii) Relieves a mortgage loan servicer of any obligation to provide the borrower with notice of a transfer of servicing rights or other legal obligations related to the transfer; or

(iii) Prevents the trustee from disclosing the beneficiary's identity to the borrower and to county and municipal officials seeking to abate nuisance and abandoned property in foreclosure pursuant to chapter 35.21 RCW.

(d) The notice ((shall)) must be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

Grantor:

Current beneficiary of the deed of trust:

Current trustee of the deed of trust:

Current mortgage servicer of the deed of trust:

Reference number of the deed of trust:

Parcel number(s):

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the . . . day of, . . ., at the hour of . . . o'clock . . . M. at [street address and location if inside a building] in the City of, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of, State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

which is subject to that certain Deed of Trust dated, . . ., recorded, . . ., under Auditor's File No., records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, the beneficial interest in which was assigned by, under an Assignment recorded under Auditor's File No. [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$, together with interest as provided in the note or other instrument secured from the day of, . . . , and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the day of, The default(s) referred to in paragraph III must be cured by the day of, (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the day of, (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the day of, (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

.....
.....
.....

by both first-class and certified mail on the day of,, proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the day of,, with said written notice of default or the written notice of default was posted in a conspicuous place on the

real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040(~~(9)~~) (11)]

.....

..... , Trustee

..... }
 } Address
 }
 } Phone

[Acknowledgment]

~~((g))~~ (3) If the borrower received a letter under RCW 61.24.031, the notice specified in subsection ~~((1)(f))~~ (2)(d) of this section shall also include the following additional language:

"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR HOME.

You have only 20 DAYS from the recording date on this notice to pursue mediation.

DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: Web site:

The United States Department of Housing and Urban Development

Telephone: Web site:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: Web site:"

The beneficiary or trustee shall obtain the toll-free numbers and web site information from the department for inclusion in the notice;

((2)) (4) In addition to providing the borrower and grantor the notice of sale described in subsection ((1)(f)) (2) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington,
Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to, the Beneficiary of your Deed of Trust and (~~owner~~) holder of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the . . . day of

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the . . . day of, . . . [11 days before the sale date]. To date, these arrears and costs are as follows:

	Currently due to reinstate on	Estimated amount that will be due to reinstate on (11 days before the date set for sale)
Delinquent payments from, . . ., in the amount of \$. . . /mo.:	\$	\$
Late charges in the total amount of:	\$	\$ Estimated

		Amounts
Attorneys' fees:	\$	\$
Trustee's fee:	\$	\$
Trustee's expenses: (Itemization)		
Title report	\$	\$
Recording fees	\$	\$
Service/Posting of Notices	\$	\$
Postage/Copying expense	\$	\$
Publication	\$	\$
Telephone charges	\$	\$
Inspection fees	\$	\$
.....	\$	\$
.....	\$	\$
TOTALS	\$	\$

To pay off the entire obligation secured by your Deed of Trust as of the day of you must pay a total of \$ in principal, \$ in interest, plus other costs and advances estimated to date in the amount of \$ From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
.....
.....
.....
.....
.....
.....

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the day of, . . . [11 days before the sale

date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to:, whose address is, telephone () AFTER THE DAY OF, YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME:
 ADDRESS:

 TELEPHONE NUMBER:

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

~~((3))~~ (5) In addition, the trustee shall cause a copy of the notice of sale described in subsection ~~((1)(f))~~ (2)(d) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth

and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

~~((4))~~ (6) In the case where no successor in interest has been established, and neither the beneficiary nor the trustee are able to ascertain the name and address of any spouse, child, or parent of the borrower or grantor in the manner described in RCW 61.24.030(10), then the trustee may, in addition to mailing notice to the property addressed to the unknown heirs and devisees of the grantor, serve the notice of sale by publication in a newspaper of general circulation in the county or city where the property is located once per week for three consecutive weeks. Upon this service by publication, to be completed not less than thirty days prior to the date the sale is conducted, all unknown heirs shall be deemed served with the notice of sale;

(7)(a) If a servicer or trustee receives notification by someone claiming to be a successor in interest to the borrower or grantor, as under RCW 61.24.030(11), after the recording of the notice of sale, the trustee or servicer must request written documentation within five days demonstrating the ownership interest, provided that, the trustee may, but is not required to, postpone a trustee's sale upon receipt of such notification by someone claiming to be a successor in interest.

(b) Upon receipt of documentation establishing a claimant as a successor in interest, the servicer must provide the information in RCW 61.24.030(11)(c). Only if the servicer or trustee receives the documentation confirming someone as successor in interest more than forty-five days before the scheduled sale must the servicer then provide the information in RCW 61.24.030(11)(c) to the claimant not less than twenty days prior to the sale.

(c) (b) of this subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

~~((5))~~ (9) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

~~((6))~~ (10) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in subsection

(1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in subsection ~~((3))~~ (5) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

~~((7))~~ (11) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

~~((8))~~ (12) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured;

~~((9))~~ (13) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X. NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060;

~~((10))~~ (14) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 3. RCW 61.24.045 and 2008 c 153 s 4 are each amended to read as follows:

Any person desiring a copy of any notice of sale described in RCW 61.24.040~~((1))~~ (2) under any deed of trust, other than a person entitled to receive such a notice under RCW 61.24.040(1) (b) or (c), must, after the recordation of such deed of trust and before the recordation of the notice of sale, cause to be filed for record, in the office of the auditor of any county in which the deed of trust is recorded, a duly acknowledged request for a copy of any notice of sale. The request shall be signed and acknowledged by the person to be notified or such person's agent, attorney, or representative; shall set forth the name, mailing address, and telephone number, if any, of the person or persons to

be notified; shall identify the deed of trust by stating the names of the parties thereto, the date the deed of trust was recorded, the legal description of the property encumbered by the deed of trust, and the auditor's file number under which the deed of trust is recorded; and shall be in substantially the following form:

REQUEST FOR NOTICE

Request is hereby made that a copy of any notice of sale described in RCW 61.24.040(~~((1)(f))~~) (2) under that certain Deed of Trust dated, (~~(20.--)~~) (year), recorded on, (~~(20.--)~~) (year), under auditor's file No., records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, and affecting the following described real property:

(Legal Description)

be sent by both first-class and either registered or certified mail, return receipt requested, to at

Dated this day of, (~~(20.--)~~) (year)

.
Signature

(Acknowledgment)

A request for notice under this section shall not affect title to, or be deemed notice to any person that any person has any right, title, interest in, lien or charge upon, the property described in the request for notice.

Sec. 4. RCW 61.24.050 and 2012 c 185 s 14 are each amended to read as follows:

(1) Upon physical delivery of the trustee's deed to the purchaser, or a different grantee as designated by the purchaser following the trustee's sale, the trustee's deed shall convey all of the right, title, and interest in the real and personal property sold at the trustee's sale which the grantor had or had the power to convey at the time of the execution of the deed of trust, and such as the grantor may have thereafter acquired. Except as provided in subsection (2) of this section, if the trustee accepts a bid, then the trustee's sale is final as of the date and time of such acceptance if the trustee's deed is recorded within fifteen days thereafter. After a trustee's sale, no person shall have any right, by statute or otherwise, to redeem the property sold at the trustee's sale.

(2)(a) Up to the eleventh day following the trustee's sale, the trustee, beneficiary, or authorized agent for the beneficiary may declare the trustee's sale and trustee's deed void for the following reasons:

(i) The trustee, beneficiary, or authorized agent for the beneficiary assert that there was an error with the trustee foreclosure sale process including, but not limited to, an erroneous opening bid amount made by or on behalf of the foreclosing beneficiary at the trustee's sale;

(ii) The borrower and beneficiary, or authorized agent for the beneficiary, had agreed prior to the trustee's sale to a loan modification agreement,

forbearance plan, shared appreciation mortgage, or other loss mitigation agreement to postpone or discontinue the trustee's sale; or

(iii) The beneficiary or authorized agent for the beneficiary had accepted funds that fully reinstated or satisfied the loan even if the beneficiary or authorized agent for the beneficiary had no legal duty to do so.

(b) This subsection does not impose a duty upon the trustee any different than the obligations set forth under RCW 61.24.010 (3) and (4).

(3) The trustee must refund the bid amount to the purchaser no later than the third day following the postmarked mailing of the rescission notice described under subsection (4) of this section.

(4) No later than fifteen days following the voided trustee's sale date, the trustee shall send a notice in substantially the following form by first-class mail and certified mail, return receipt requested, to all parties entitled to notice under RCW 61.24.040(l) (b) through (e):

NOTICE OF RESCISSION OF TRUSTEE'S SALE

NOTICE IS HEREBY GIVEN that the trustee's sale that occurred on (trustee's sale date) is rescinded and declared void because (insert the applicable reason(s) permitted under RCW 61.24.050(2)(a)).

The trustee's sale occurred pursuant to that certain Notice of Trustee's Sale dated . . . , . . . , recorded . . . , . . . , under Auditor's File No. . . . , records of . . . County, Washington, and that certain Deed of Trust dated . . . , . . . , recorded . . . , . . . , under Auditor's File No. . . . , records of . . . County, Washington, from . . . , as Grantor, to . . . , as . . . , as original Beneficiary, concerning the following described property, situated in the County(ies) of . . . , State of Washington, to wit:

(Legal description)

Commonly known as (common property address)

(5) If the reason for the rescission stems from subsection (2)(a)(i) or (ii) of this section, the trustee may set a new sale date not less than forty-five days following the mailing of the notice of rescission of trustee's sale. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through ~~((f))~~ (e) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~((f))~~) (2) to be published in a legal newspaper in each county in which the property or any part of the property is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

Sec. 5. RCW 61.24.130 and 2008 c 153 s 5 are each amended to read as follows:

(1) Nothing contained in this chapter shall prejudice the right of the borrower, grantor, any guarantor, or any person who has an interest in, lien, or claim of lien against the property or some part thereof, to restrain, on any proper legal or equitable ground, a trustee's sale. The court shall require as a condition of granting the restraining order or injunction that the applicant pay to the clerk

of the court the sums that would be due on the obligation secured by the deed of trust if the deed of trust was not being foreclosed:

(a) In the case of default in making the periodic payment of principal, interest, and reserves, such sums shall be the periodic payment of principal, interest, and reserves paid to the clerk of the court every thirty days.

(b) In the case of default in making payment of an obligation then fully payable by its terms, such sums shall be the amount of interest accruing monthly on said obligation at the nondefault rate, paid to the clerk of the court every thirty days.

In the case of default in performance of any nonmonetary obligation secured by the deed of trust, the court shall impose such conditions as it deems just.

In addition, the court may condition granting the restraining order or injunction upon the giving of security by the applicant, in such form and amount as the court deems proper, for the payment of such costs and damages, including attorneys' fees, as may be later found by the court to have been incurred or suffered by any party by reason of the restraining order or injunction. The court may consider, upon proper showing, the grantor's equity in the property in determining the amount of said security.

(2) No court may grant a restraining order or injunction to restrain a trustee's sale unless the person seeking the restraint gives five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. No judge may act upon such application unless it is accompanied by proof, evidenced by return of a sheriff, the sheriff's deputy, or by any person eighteen years of age or over who is competent to be a witness, that the notice has been served on the trustee.

(3) If the restraining order or injunction is dissolved after the date of the trustee's sale set forth in the notice as provided in RCW 61.24.040(~~((1)(f))~~) (2), the court granting such restraining order or injunction, or before whom the order or injunction is returnable, shall, at the request of the trustee, set a new sale date which shall be not less than forty-five days from the date of the order dissolving the restraining order. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (~~((f))~~) (e) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~((1)(f))~~) (2) to be published in a legal newspaper in each county in which the property or any part thereof is situated once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(4) If a trustee's sale has been stayed as a result of the filing of a petition in federal bankruptcy court and an order is entered in federal bankruptcy court granting relief from the stay or closing or dismissing the case, or discharging the debtor with the effect of removing the stay, the trustee may set a new sale date which shall not be less than forty-five days after the date of the bankruptcy court's order. The trustee shall:

(a) Comply with the requirements of RCW 61.24.040(1) (a) through (~~((f))~~) (e) at least thirty days before the new sale date; and

(b) Cause a copy of the notice of trustee's sale as provided in RCW 61.24.040(~~((1)(f))~~) (2) to be published in a legal newspaper in each county in

which the property or any part thereof is situated, once between the thirty-fifth and twenty-eighth day before the sale and once between the fourteenth and seventh day before the sale.

(5) Subsections (3) and (4) of this section are permissive only and do not prohibit the trustee from proceeding with a trustee's sale following termination of any injunction or stay on any date to which such sale has been properly continued in accordance with RCW 61.24.040~~((6))~~ (10).

(6) The issuance of a restraining order or injunction shall not prohibit the trustee from continuing the sale as provided in RCW 61.24.040~~((6))~~ (10).

Sec. 6. RCW 61.24.163 and 2014 c 164 s 3 are each amended to read as follows:

(1) The foreclosure mediation program established in this section applies only to borrowers who have been referred to mediation by a housing counselor or attorney. The referral to mediation may be made any time after a notice of default has been issued but no later than twenty days after the date a notice of sale has been recorded. If the borrower has failed to elect to mediate within the applicable time frame, the borrower and the beneficiary may, but are under no duty to, agree in writing to enter the foreclosure mediation program. The mediation program under this section is not governed by chapter 7.07 RCW and does not preclude mediation required by a court or other provision of law.

(2) A housing counselor or attorney referring a borrower to mediation shall send a notice to the borrower and the department, stating that mediation is appropriate.

(3) Within ten days of receiving the notice, the department shall:

(a) Send a notice to the beneficiary, the borrower, the housing counselor or attorney who referred the borrower, and the trustee stating that the parties have been referred to mediation. The notice must include the statements and list of documents and information described in subsections (4) and (5) of this section and a statement explaining each party's responsibility to pay the mediator's fee; and

(b) Select a mediator and notify the parties of the selection.

(4) Within twenty-three days of the department's notice that the parties have been referred to mediation, the borrower shall transmit the documents required for mediation to the mediator and the beneficiary. The required documents include an initial ~~((Making Home Affordable Application (HAMP) package or such other equivalent))~~ homeowner financial information worksheet as required by the department. ~~((In the event the department is required to create a worksheet,))~~ The worksheet must include, at a minimum, the following information:

(a) The borrower's current and future income;

(b) Debts and obligations;

(c) Assets;

(d) Expenses;

(e) Tax returns for the previous two years;

(f) Hardship information;

(g) Other applicable information commonly required by any applicable federal mortgage relief program.

(5) Within twenty days of the beneficiary's receipt of the borrower's documents, the beneficiary shall transmit the documents required for mediation to the mediator and the borrower. The required documents include:

(a) An accurate statement containing the balance of the loan within thirty days of the date on which the beneficiary's documents are due to the parties;

(b) Copies of the note and deed of trust;

(c) Proof that the entity claiming to be the beneficiary is the owner of any promissory note or obligation secured by the deed of trust. Sufficient proof may be a copy of the declaration described in RCW 61.24.030(7)(a);

(d) The best estimate of any arrearage and an itemized statement of the arrearages;

(e) An itemized list of the best estimate of fees and charges outstanding;

(f) The payment history and schedule for the preceding twelve months, or since default, whichever is longer, including a breakdown of all fees and charges claimed;

(g) All borrower-related and mortgage-related input data used in any net present values analysis. If no net present values analysis is required by the applicable federal mortgage relief program, then the input data required under the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide, or if that calculation becomes unavailable, substantially similar input data as determined by the department;

(h) An explanation regarding any denial for a loan modification, forbearance, or other alternative to foreclosure in sufficient detail for a reasonable person to understand why the decision was made;

(i) Appraisal or other broker price opinion most recently relied upon by the beneficiary not more than ninety days old at the time of the scheduled mediation; and

(j) The portion or excerpt of the pooling and servicing agreement or other investor restriction that prohibits the beneficiary from implementing a modification, if the beneficiary claims it cannot implement a modification due to limitations in a pooling and servicing agreement or other investor restriction, and documentation or a statement detailing the efforts of the beneficiary to obtain a waiver of the pooling and servicing agreement or other investor restriction provisions.

(6) Within seventy days of receiving the referral from the department, the mediator shall convene a mediation session in the county where the property is located, unless the parties agree on another location. The parties may agree to extend the time in which to schedule the mediation session. If the parties agree to extend the time, the beneficiary shall notify the trustee of the extension and the date the mediator is expected to issue the mediator's certification.

(7)(a) The mediator may schedule phone conferences, consultations with the parties individually, and other communications to ensure that the parties have all the necessary information and documents to engage in a productive mediation.

(b) The mediator must send written notice of the time, date, and location of the mediation session to the borrower, the beneficiary, and the department at least thirty days prior to the mediation session. At a minimum, the notice must contain:

(i) A statement that the borrower may be represented in the mediation session by an attorney or other advocate;

(ii) A statement that a person with authority to agree to a resolution, including a proposed settlement, loan modification, or dismissal or continuation of the foreclosure proceeding, must be present either in person or on the telephone or videoconference during the mediation session; and

(iii) A statement that the parties have a duty to mediate in good faith and that failure to mediate in good faith may impair the beneficiary's ability to foreclose on the property or the borrower's ability to modify the loan or take advantage of other alternatives to foreclosure.

(8)(a) The borrower, the beneficiary or authorized agent, and the mediator must meet in person for the mediation session. However, a person with authority to agree to a resolution on behalf of the beneficiary may be present over the telephone or videoconference during the mediation session.

(b) After the mediation session commences, the mediator may continue the mediation session once, and any further continuances must be with the consent of the parties.

(9) The participants in mediation must address the issues of foreclosure that may enable the borrower and the beneficiary to reach a resolution, including but not limited to reinstatement, modification of the loan, restructuring of the debt, or some other workout plan. To assist the parties in addressing issues of foreclosure, the mediator may require the participants to consider the following:

(a) The borrower's current and future economic circumstances, including the borrower's current and future income, debts, and obligations for the previous sixty days or greater time period as determined by the mediator;

(b) The net present value of receiving payments pursuant to a modified mortgage loan as compared to the anticipated net recovery following foreclosure;

(c) Any affordable loan modification calculation and net present value calculation when required under any federal mortgage relief program(~~(including the home affordable modification program (HAMP) as applicable to government-sponsored enterprise and nongovernment-sponsored enterprise loans)~~) and any (~~HAMP-related~~) modification program (~~(applicable)~~ related to loans insured by the federal housing administration, the veterans administration, and the rural housing service. If such a calculation is not provided or required, then the beneficiary must provide the net present value data inputs established by the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide or other net present value data inputs as designated by the department. The mediator may run the calculation in order for a productive mediation to occur and to comply with the mediator certification requirement; and

(d) Any other loss mitigation guidelines to loans insured by the federal housing administration, the veterans administration, and the rural housing service, if applicable.

(10) A violation of the duty to mediate in good faith as required under this section may include:

(a) Failure to timely participate in mediation without good cause;

(b) Failure of the borrower or the beneficiary to provide the documentation required before mediation or pursuant to the mediator's instructions;

(c) Failure of a party to designate representatives with adequate authority to fully settle, compromise, or otherwise reach resolution with the borrower in mediation; and

(d) A request by a beneficiary that the borrower waive future claims he or she may have in connection with the deed of trust, as a condition of agreeing to a modification, except for rescission claims under the federal truth in lending act. Nothing in this section precludes a beneficiary from requesting that a borrower dismiss with prejudice any pending claims against the beneficiary, its agents, loan servicer, or trustee, arising from the underlying deed of trust, as a condition of modification.

(11) If the mediator reasonably believes a borrower will not attend a mediation session based on the borrower's conduct, such as the lack of response to the mediator's communications, the mediator may cancel a scheduled mediation session and send a written cancellation to the department and the trustee and send copies to the parties. The beneficiary may proceed with the foreclosure after receipt of the mediator's written confirmation of cancellation.

(12) Within seven business days after the conclusion of the mediation session, the mediator must send a written certification to the department and the trustee and send copies to the parties of:

(a) The date, time, and location of the mediation session;

(b) The names of all persons attending in person and by telephone or videoconference, at the mediation session;

(c) Whether a resolution was reached by the parties, including whether the default was cured by reinstatement, modification, or restructuring of the debt, or some other alternative to foreclosure was agreed upon by the parties;

(d) Whether the parties participated in the mediation in good faith; and

(e) If a written agreement was not reached, a description of any net present value test used, along with a copy of the inputs, including the result of any net present value test expressed in a dollar amount.

(13) If the parties are unable to reach an agreement, the beneficiary may proceed with the foreclosure after receipt of the mediator's written certification.

(14)(a) The mediator's certification that the beneficiary failed to act in good faith in mediation constitutes a defense to the nonjudicial foreclosure action that was the basis for initiating the mediation. In any action to enjoin the foreclosure, the beneficiary is entitled to rebut the allegation that it failed to act in good faith.

(b) The mediator's certification that the beneficiary failed to act in good faith during mediation does not constitute a defense to a judicial foreclosure or a future nonjudicial foreclosure action if a modification of the loan is agreed upon and the borrower subsequently defaults.

(c) If an affordable loan modification is not offered in the mediation or a written agreement was not reached and the mediator's certification shows that the net present value of the modified loan exceeds the anticipated net recovery at foreclosure, that showing in the certification constitutes a basis for the borrower to enjoin the foreclosure.

(15) The mediator's certification that the borrower failed to act in good faith in mediation authorizes the beneficiary to proceed with the foreclosure.

(16)(a) If a borrower has been referred to mediation before a notice of trustee sale has been recorded, a trustee may not record the notice of sale until the trustee receives the mediator's certification stating that the mediation has

been completed. If the trustee does not receive the mediator's certification, the trustee may record the notice of sale after ten days from the date the certification to the trustee was due. If, after a notice of sale is recorded under this subsection (16)(a), the mediator subsequently issues a certification finding that the beneficiary violated the duty of good faith, the certification constitutes a basis for the borrower to enjoin the foreclosure.

(b) If a borrower has been referred to mediation after the notice of sale was recorded, the sale may not occur until the trustee receives the mediator's certification stating that the mediation has been completed.

(17) A mediator may charge reasonable fees as authorized by this subsection or as authorized by the department. Unless the fee is waived, the parties agree otherwise, or the department otherwise authorizes, a foreclosure mediator's fee may not exceed four hundred dollars for preparing, scheduling, and conducting a mediation session lasting between one hour and three hours. For a mediation session exceeding three hours, the foreclosure mediator may charge a reasonable fee, as authorized by the department. The mediator must provide an estimated fee before the mediation, and payment of the mediator's fee must be divided equally between the beneficiary and the borrower. The beneficiary and the borrower must tender the loan mediator's fee within thirty calendar days from receipt of the department's letter referring the parties to mediation or pursuant to the mediator's instructions.

(18) Beginning December 1, 2012, and every year thereafter, the department shall report annually to the legislature on:

(a) The performance of the program, including the numbers of borrowers who are referred to mediation by a housing counselor or attorney;

(b) The results of the mediation program, including the number of mediations requested by housing counselors and attorneys, the number of certifications of good faith issued, the number of borrowers and beneficiaries who failed to mediate in good faith, and the reasons for the failure to mediate in good faith, if known, the numbers of loans restructured or modified, the change in the borrower's monthly payment for principal and interest and the number of principal write-downs and interest rate reductions, and, to the extent practical, the number of borrowers who report a default within a year of restructuring or modification;

(c) The information received by housing counselors regarding outcomes of foreclosures; and

(d) Any recommendations for changes to the statutes regarding the mediation program.

Sec. 7. RCW 61.24.173 and 2016 c 196 s 2 are each amended to read as follows:

(1) Except as provided in subsections ~~((4) and~~) (5) and (6) of this section, beginning July 1, 2016, and every quarter thereafter, every beneficiary on whose behalf a notice of trustee's sale has been recorded pursuant to RCW 61.24.040 on residential real property under this chapter must:

(a) Report to the department the number of notices of trustee's sale recorded for each residential property during the previous quarter;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each notice of trustee's sale recorded on residential real property, the beneficiary on whose behalf the notice of trustee's sale has been recorded shall remit ~~((two))~~ three hundred ~~((fifty))~~ twenty-five dollars to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The ~~((two))~~ three hundred ~~((fifty))~~ twenty-five dollar payment is required for every recorded notice of trustee's sale for noncommercial loans on residential real property, but does not apply to the recording of an amended notice of trustee's sale. ~~((If the beneficiary previously made a payment under RCW 61.24.174, as it existed prior to July 1, 2016, for a notice of default supporting the recorded notice of trustee's sale, no payment is required under this section.))~~ No later than January 1, 2020, the department may from time to time adjust the amount of the fee, not to exceed three hundred twenty-five dollars, at a sufficient level to defray the costs of the program. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Any adjustment to the amount of the fee, pursuant to the authority of subsection (2) of this section, shall be made by rule adopted by the department in accordance with the provisions of chapter 34.05 RCW.

(4) Reporting and payments under subsections (1) and (2) of this section are due within forty-five days of the end of each quarter.

~~((4))~~ (5) This section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than fifty notices of trustee's sale were recorded on its behalf in the preceding year.

~~((5))~~ (6) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

~~((6))~~ (7) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner-occupied.

NEW SECTION. Sec. 8. A new section is added to chapter 61.24 RCW to read as follows:

(1) If a trustee under a deed of trust is named as a defendant in an action or proceeding in which that deed of trust is the subject, and if there are no substantive allegations that seek damages from the trustee or seek to enjoin the foreclosure based on any alleged unlawful actions or omissions by the trustee, including causes of action where the trustee is a codefendant alleged to be jointly or derivatively liable with respect to the trustee's conduct as to the borrower or the trustee's statutory obligations, not less than thirty-five days after service of the summons and complaint on the trustee, the trustee may file a declaration of nonmonetary status. The declaration must be served on the parties in the manner set forth in superior court civil rule (CR) 5.

(2) The declaration of nonmonetary status must set forth:

(a) The status of the trustee as trustee under the deed of trust that is the subject of the action or proceeding;

(b) That the complaint or pleading does not assert any substantive allegations that seek damages from the trustee or seek to enjoin the foreclosure based on any alleged unlawful actions or omissions by the trustee;

(c) That it has been named as a defendant in the proceeding solely in its capacity as a trustee under the deed of trust and that the trustee agrees to be bound by whatever order or judgment is issued by the court regarding the subject deed of trust;

(d) A statement printed in no less than twelve-point font and bolded that reads:

"You have 30 days from service of this declaration to file and serve an objection with the court in compliance with RCW 61.24.--- (this section). If you do not timely object, the trustee will be deemed a nominal party to this action and you may not seek monetary relief against it. Your case may also be removed to federal court if the trustee was the only defendant domiciled in Washington."

(3) The parties who have appeared in the action or proceeding have thirty days from the service of the declaration by the trustee in which to object to the nonmonetary status of the trustee. Any objection must set forth the allegations against the trustee in a manner sufficient to satisfy the pleading standard of superior court civil rule (CR) 8(a).

(4) The objection must:

(a) Conform to superior court civil rule (CR) 10 and the caption must include the following identification: "Objection to Declaration of Nonmonetary Status of Defendant [trustee]";

(b) Contain a short and plain statement of the claim against defendant trustee as described in the complaint, showing that the plaintiff is entitled to relief. Allegations against the trustee may not be raised for the first time in the objection;

(c) Be filed with the court within thirty days of service of the trustee's declaration of nonmonetary status described in subsection (1) of this section;

(d) Be served on the trustee in the manner set forth in superior court civil rule (CR) 5.

(5) Upon filing of a timely objection with the court and timely service of the objection, the trustee must thereafter be required to participate in the action or proceeding.

(6) If an objection is not filed and served within the thirty-day objection period, the trustee: Is not required to participate any further in the action or proceeding; is not subject to any monetary awards as and for damages, attorneys' fees, or costs; and is bound by any court order relating to the subject deed of trust that is the subject of the action or proceeding. The trustee's nonmonetary status is not established until the thirty-day objection period has passed without filing and service of an objection pursuant to subsection (5) of this section.

(7) In the event a party or parties elect not to or fail to timely object to the declaration of nonmonetary status, but later through discovery or otherwise determine that the trustee should participate in the action, the parties may file and serve on all parties and the trustee a motion pursuant to superior court civil rule (CR) 15. Upon the court's granting of the motion, the trustee must thereafter be required to participate in the action or proceeding, and the court must provide sufficient time before trial for the trustee to be able to respond to the complaint, to conduct discovery, and to bring other pretrial motions in accordance with Washington superior court civil rules.

(8) Upon the filing of the declaration of nonmonetary status, the time within which the trustee is required to file an answer or other responsive pleading is tolled for the period of time within which the opposing parties may object to the declaration. Upon the timely service of an objection to the declaration of nonmonetary status, the trustee has thirty days from the date of service within which to file an answer or other responsive pleading to the complaint or cross-complaint.

(9) For purposes of this section, "trustee" includes any agent or employee of the trustee who performs some or all the duties of a trustee under this chapter and includes substituted trustees and agents of the trustee.

(10) If upon objection to the trustee's declaration of nonmonetary status the court finds that the declaration was filed without sufficient support based upon the allegations made in the complaint, the court may award the plaintiff attorneys' fees and costs associated with the objection together with any actual damages demonstrated. Any award may be made after notice and hearing with submission of evidence of the attorneys' fees and damages.

NEW SECTION. **Sec. 9.** A new section is added to chapter 61.12 RCW to read as follows:

(1) Before any mortgagee of residential real property commences any legal action under RCW 61.12.040 to foreclose any reverse residential mortgage, such person shall give the mortgagor notice of such intention at least thirty-three days in advance. For the purposes of this section "residential real property" means property consisting solely of a single-family residence, a two-to-four-unit owner occupied dwelling, a residential condominium unit, a manufactured home, or a residential cooperative unit.

(2) Notice of intention to take action as specified in subsection (1) of this section must be in writing and sent to the resident mortgagor or, in case of the death of the last surviving mortgagor, addressed to any known surviving spouse or to "unknown heirs" of the residential mortgagor, by first-class and either certified or registered mail, return receipt requested, at his or her last known address and, if different, at the residence which is the subject of the residential mortgage.

(3) The written notice must be in English and Spanish, in a form to be published by the department of commerce, and must clearly and conspicuously state:

- (a) The particular obligation or real estate security interest;
- (b) The nature of the default claimed or the reason for acceleration of the mortgage;
- (c) Except in cases where the acceleration is due to the death of the last surviving mortgagor, the right, if any, of the mortgagor to cure the default and exactly what performance, including what sum of money, if any, must be tendered to cure the default;

(d) Except in cases where the acceleration is due to the death of the last surviving mortgagor, the applicable time within which the mortgagor must cure the default;

(e) A statement printed in no less than twelve-point font and bolded that reads:

"If you do nothing to cure the default, if any, we intend to start a lawsuit to foreclose your mortgaged property. If the mortgage is foreclosed, your

mortgaged property will be sold to pay off the mortgage debt. You should contact a housing counselor or attorney as soon as possible."; and

(f) The toll-free telephone number to find a department-approved home equity conversion mortgage counseling agency from the United States department of housing and urban development, the toll-free numbers for the statewide foreclosure hotline recommended by the housing finance commission, and the statewide civil legal aid hotline for assistance and referrals.

(4) It is an unfair or deceptive act in trade or commerce and an unfair method of competition in violation of the consumer protection act, chapter 19.86 RCW, affecting the public interest, for any person or entity to:

(a) Fail to send the notice as required in this section at least thirty-three days before accelerating the maturity of any reverse residential mortgage obligation or commencing any legal action under RCW 61.12.040;

(b) Fail to state the nature of the default, the correct amount or action that is required to cure the default, if any, or the time and manner in which to cure if cure is possible; or

(c) To send the notice required in this section without the advisory language and information about foreclosure assistance.

NEW SECTION. Sec. 10. (1) This chapter applies only to residential real property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit.

(2) For purposes of this chapter:

(a) Property is "abandoned" when there are no signs of occupancy and at least three of the following indications of abandonment are visible from the exterior:

(i) The absence of furnishings and personal items consistent with residential habitation;

(ii) The gas, electric, or water utility services have been disconnected;

(iii) Statements by neighbors, passersby, delivery agents, or government employees that the property is vacant;

(iv) Multiple windows on the property are boarded up or closed off or are smashed through, broken, or unhinged, or multiple window panes are broken and unrepaired;

(v) Doors on the residence are substantially damaged, broken off, unhinged, or conspicuously open;

(vi) The property has been stripped of copper or other materials, or interior fixtures have been removed;

(vii) Law enforcement officials have received at least one report within the immediately preceding six months of trespassing or vandalism or other illegal activities by persons who enter unlawfully on the property;

(viii) The property has been declared unfit for occupancy and ordered to remain vacant and unoccupied pursuant to an order issued by a municipal or county authority or a court of competent jurisdiction;

(ix) Construction was initiated on the property and was discontinued before completion, leaving a building unsuitable for occupancy, and construction has not taken place for at least six months;

(x) Newspapers, circulars, flyers, or mail has accumulated on the property or the United States postal service has discontinued delivery to the property;

(xi) Rubbish, trash, debris, neglected vegetation, or natural overgrowth has accumulated on the property;

(xii) Hazardous, noxious, or unhealthy substances or materials have accumulated on the property;

(xiii) Other credible evidence exists indicating the intent to vacate and abandon the property.

(b) Property is in "mid-foreclosure" when, pursuant to chapter 61.24 RCW, a notice of default or notice of preforeclosure options has been issued or a notice of trustee's sale has been recorded in the office of the county auditor.

(c) Property is a "nuisance" when so determined by a county, city, or town pursuant to its authority under chapter 7.48 RCW or RCW 35.22.280, 35.23.440, 35.27.410, or 36.32.120.

NEW SECTION. Sec. 11. (1) A county, city, or town may notify a mortgage servicer that a property has been determined to be abandoned, in mid-foreclosure, and a nuisance.

(2) A notice issued pursuant to this section must:

(a) Be accompanied by an affidavit or a declaration made under penalty of perjury by a county, city, or town official that a property is abandoned, in mid-foreclosure, and a nuisance, and the affidavit or declaration must outline at least three indicators of abandonment and be supported with time and date stamped photographs, a finding that the property is a nuisance, and a copy of the notice of default, notice of preforeclosure options, or notice of trustee's sale; and

(b) Be sent to the mortgage servicer by certified mail.

NEW SECTION. Sec. 12. (1) A mortgage servicer may contact a county, city, or town regarding a property it believes to be abandoned, and a nuisance and request that a county, city, or town official visit the property and make a determination as to whether the residential real property is abandoned and a nuisance. When making such a request, the mortgage servicer must furnish a copy of a notice of default, notice of preforeclosure options, or notice of trustee's sale applicable to the property.

(2) A county, city, or town shall respond to such a request within fifteen calendar days of receipt and notify the mortgage servicer:

(a) That a county, city, or town official has visited the property and determined that the property is not abandoned, or not a nuisance;

(b) That a county, city, or town official has visited the property and determined that the property is abandoned, in mid-foreclosure, and a nuisance. In this case, the notification shall be accompanied by an affidavit or a declaration made under penalty of perjury by a county, city, or town official that a property is abandoned, mid-foreclosure, and a nuisance, and the affidavit or declaration must outline at least three indicators of abandonment and be supported with time and date stamped photographs, a finding that the property is a nuisance, and a copy of the notice of default or notice of trustee's sale supplied by the mortgage servicer; or

(c) That the county, city, or town does not have adequate resources or is otherwise unable to make the requested determination.

NEW SECTION. Sec. 13. (1) Upon receipt from a county, city, or town of an affidavit or declaration under penalty of perjury that a property is abandoned, in mid-foreclosure, and a nuisance, a mortgage servicer or its designee may enter

the property for the purposes of abating the identified nuisance, preserving property, or preventing waste and may take steps to secure the property, including but not limited to:

(a) Installing missing locks on exterior doors. If any locks are changed the mortgage servicer must provide a lock box. Working locks may not be removed or replaced unless all doors are secured and there is no means of entry, and in such cases only one working lock may be removed and replaced;

(b) Replacing or boarding broken or missing windows;

(c) Winterizing, including draining pipes and disconnecting or turning on utilities;

(d) Eliminating building code or other code violations;

(e) Securing exterior pools and spas;

(f) Performing routine yard maintenance on the exterior of the residence; and

(g) Performing pest and insect control services.

(2) The mortgage servicer or its designee must make a record of entry by means of dated and time-stamped photographs showing the manner of entry and personal items visible within the residence upon entry.

(3) Neither the mortgage servicer nor its designee may remove personal items from the property unless the items are hazardous or perishable, and in case of such removal must inventory the items removed.

(4) Prior to each entry, a mortgage servicer or its designee must ensure that a notice is posted on the front door that includes the following:

(a) A statement that, pursuant to RCW 7.28.230, until foreclosure and sale is complete the property owner or occupant authorized by the owner has the right to possession;

(b) A statement that the property owner or occupant authorized by the owner has the right to request that any locks installed by the mortgage servicer or its designee be removed within twenty-four hours and replaced with new locks accessible by the property owner or occupant authorized by the owner only;

(c) A toll-free, twenty-four hour number that the property owner or occupant authorized by the owner may call in order to gain timely entry, which entry must be provided no later than the next business day; and

(d) The phone number of the statewide foreclosure hotline recommended by the housing finance commission and the statewide civil legal aid hotline, together with a statement that the property owner may have the right to participate in foreclosure mediation pursuant to RCW 61.24.163.

(5) Records of entry onto property pursuant to this section must be maintained by the mortgage servicer or its designee for at least four years from the date of entry.

(6) If, upon entry, the property is found to be occupied, the mortgage servicer or its designee must leave the property immediately, notify the county, city, or town, and thereafter neither the mortgage servicer nor its designee may enter the property regardless of whether the property constitutes a nuisance or complies with local code enforcement standards.

(7) In the event a mortgage servicer is contacted by the borrower and notified that the property is not abandoned, the mortgage servicer must so notify the county, city, or town and thereafter neither the mortgage servicer nor its

designee may enter the property regardless of whether the property constitutes a nuisance or complies with local code enforcement standards.

(8) A county, city, or town is not liable for any damages caused by any act or omission of the mortgage servicer or its designee.

NEW SECTION. Sec. 14. Except in circumstances governed by section 13 (6) and (7) of this act, if a mortgage servicer receives notice from a county, city, or town pursuant to section 11 or 12(2)(b) of this act that a property is abandoned, in mid-foreclosure, and a nuisance, and the mortgage servicer does not abate the nuisance within the time prescribed by local ordinance, a county, city, or town may exercise its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable law to abate the nuisance and recover associated costs as set forth in section 16 of this act.

NEW SECTION. Sec. 15. (1) When a property has been the subject of foreclosure, a county, city or town may notify the grantee of the trustee's deed or sheriff's deed, via certified mail, that a property is a nuisance. Upon receipt of such a notice, the grantee of the trustee's deed or sheriff's deed shall respond within fifteen calendar days and provide one of the following responses:

(a) That the grantee of the trustee's deed or sheriff's deed will abate the nuisance within the time prescribed by local ordinance; or

(b) That the grantee of the trustee's deed or sheriff's deed does not have adequate resources to abate the nuisance within the time limits required by local ordinance.

(2) If the grantee of the trustee's deed or sheriff's deed is notified and does not abate the nuisance within the time prescribed by local ordinance, a county, city, or town may exercise its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable law to abate the nuisance and recover associated costs as set forth in section 16 of this act.

NEW SECTION. Sec. 16. Except in circumstances governed by section 13 (6) and (7) of this act, if, after issuance of a notice pursuant to section 11, 12(2)(b), or 15 of this act, a nuisance has not been abated within the time prescribed by local ordinance and the county, city, or town has exercised its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, 35.27.410, 36.32.120, or any other applicable law to abate the nuisance, the county, city, or town may recover its costs by levying an assessment on the real property on which the nuisance is situated to reimburse the county, city, or town for the costs of abatement, excluding any associated fines or penalties. This assessment constitutes a lien against the property, and is binding upon successors in title only from the date the lien is recorded in the county in which the real property is located. This assessment is of equal rank with state, county, and municipal taxes and is assessed against the real property upon which cost was incurred unless such amount is previously paid.

NEW SECTION. Sec. 17. The authority provided pursuant to this chapter is in addition to, and not in limitation of, any other authority provided by law.

NEW SECTION. Sec. 18. Sections 10 through 17 of this act constitute a new chapter in Title 7 RCW.

Passed by the House March 3, 2018.

Passed by the Senate March 1, 2018.

Approved by the Governor March 28, 2018.
 Filed in Office of Secretary of State March 29, 2018.

CHAPTER 307

[House Bill 1939]

CESAR CHAVEZ DAY

AN ACT Relating to recognizing the thirty-first day of March as Cesar Chavez day; and amending RCW 1.16.050.

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

Sec. 1. RCW 1.16.050 and 2016 c 9 s 2 are each amended to read as follows:

- (1) The following are state legal holidays:
 - (a) Sunday;
 - (b) The first day of January, commonly called New Year's Day;
 - (c) The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;
 - (d) The third Monday of February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;
 - (e) The last Monday of May, commonly known as Memorial Day;
 - (f) The fourth day of July, the anniversary of the Declaration of Independence;
 - (g) The first Monday in September, to be known as Labor Day;
 - (h) The eleventh day of November, to be known as Veterans' Day;
 - (i) The fourth Thursday in November, to be known as Thanksgiving Day;
 - (j) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and
 - (k) The twenty-fifth day of December, commonly called Christmas Day.
- (2) Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for in this section after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.
- (3) Employees of the state and its political subdivisions, including employees of school districts and those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. This includes employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs. The employee may select the days on which the

employee desires to take the two unpaid holidays after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority. If an employee prefers to take the two unpaid holidays on specific days for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, the employer must allow the employee to do so unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. Undue hardship shall have the meaning established in rule by the office of financial management under RCW 43.41.109.

(4) If any of the state legal holidays specified in this section are also federal legal holidays but observed on different dates, only the state legal holidays are recognized as a paid legal holiday for employees of the state and its political subdivisions. However, for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday is recognized as a paid legal holiday, but in no case may both holidays be recognized as a paid legal holiday for employees.

(5) Whenever any state legal holiday:

(a) Other than Sunday, falls upon a Sunday, the following Monday is the legal holiday; or

(b) Falls upon a Saturday, the preceding Friday is the legal holiday.

(6) Nothing in this section may be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

(7) The legislature declares that the following days are recognized as provided in this subsection, but may not be considered legal holidays for any purpose:

(a) The thirteenth day of January, recognized as Korean-American day;

(b) The twelfth day of October, recognized as Columbus day;

(c) The ninth day of April, recognized as former prisoner of war recognition day;

(d) The twenty-sixth day of January, recognized as Washington army and air national guard day;

(e) The seventh day of August, recognized as purple heart recipient recognition day;

(f) The second Sunday in October, recognized as Washington state children's day;

(g) The sixteenth day of April, recognized as Mother Joseph day;

(h) The fourth day of September, recognized as Marcus Whitman day;

(i) The seventh day of December, recognized as Pearl Harbor remembrance day;

(j) The twenty-seventh day of July, recognized as national Korean war veterans armistice day;

(k) The nineteenth day of February, recognized as civil liberties day of remembrance;

(l) The nineteenth day of June, recognized as Juneteenth, a day of remembrance for the day the slaves learned of their freedom;

(m) The thirtieth day of March, recognized as welcome home Vietnam veterans day; ~~((and))~~

(n) The eleventh day of January, recognized as human trafficking awareness day; and

(o) The thirty-first day of March, recognized as Cesar Chavez day.

Passed by the House January 18, 2018.

Passed by the Senate February 27, 2018.

Approved by the Governor March 31, 2018.

Filed in Office of Secretary of State April 2, 2018.

AUTHENTICATION

I, K. Kyle Thiessen, Code Reviser of the State of Washington, certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 2018 session (65th Legislature), chapters 278 through 307, as certified and transmitted to the Statute Law Committee by the Secretary of State under RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this 20th day of April, 2018.

A handwritten signature in black ink that reads "K. Kyle Thiessen" with a long horizontal flourish extending to the right.

K. KYLE THIESSEN
Code Reviser

**PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT THE
2016 REGULAR SESSION FOR SUBMISSION TO THE VOTERS AT
THE STATE GENERAL ELECTION, NOVEMBER 2016**

SENATE JOINT RESOLUTION 8210

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article II, section 43 of the Constitution of the state of Washington to read as follows:

Article II, section 43. (1) In January of each year ending in one, a commission shall be established to provide for the redistricting of state legislative and congressional districts.

(2) The commission shall be composed of five members to be selected as follows: The legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one. By January 31st of each year ending in one, the four appointed members, by an affirmative vote of at least three, shall appoint the remaining member. The fifth member of the commission, who shall be nonvoting, shall act as its chairperson. If any appointing authority fails to make the required appointment by the date established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) No elected official and no person elected to legislative district, county, or state political party office may serve on the commission. A commission member shall not have been an elected official and shall not have been an elected legislative district, county, or state political party officer within two years of his or her appointment to the commission. The provisions of this subsection do not apply to the office of precinct committee person.

(4) The legislature shall enact laws providing for the implementation of this section, to include additional qualifications for commissioners and additional standards to govern the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.

(5) Each district shall contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district. To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. The commission's plan shall not provide for a number of legislative districts different than that established by the legislature. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

(6) The commission shall complete redistricting as soon as possible following the federal decennial census, but no later than ~~((January 1st))~~ November 15th of each year ending in ~~((two))~~ one. At least three of the voting members shall approve such a redistricting plan. If three of the voting members

of the commission fail to approve a plan within the time limitations provided in this subsection, the supreme court shall adopt a plan by April 30th of the year ending in two in conformance with the standards set forth in subsection (5) of this section.

(7) The legislature may amend the redistricting plan but must do so by a two-thirds vote of the legislators elected or appointed to each house of the legislature. Any amendment must have passed both houses by the end of the thirtieth day of the first session convened after the commission has submitted its plan to the legislature. After that day, the plan, with any legislative amendments, constitutes the state districting law.

(8) The legislature shall enact laws providing for the reconvening of a commission for the purpose of modifying a districting law adopted under this section. Such reconvening requires a two-thirds vote of the legislators elected or appointed to each house of the legislature. The commission shall conform to the standards prescribed under subsection (5) of this section and any other standards or procedures that the legislature may provide by law. At least three of the voting members shall approve such a modification. Any modification adopted by the commission may be amended by a two-thirds vote of the legislators elected and appointed to each house of the legislature. The state districting law shall include the modifications with amendments, if any.

(9) The legislature shall prescribe by law the terms of commission members and the method of filling vacancies on the commission.

(10) The supreme court has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.

(11) Legislative and congressional districts may not be changed or established except pursuant to this section. A districting plan and any legislative amendments to the plan are not subject to Article III, section 12 of this Constitution.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed by the Senate February 15, 2016.

Passed by the House March 4, 2016.

Filed in Office of Secretary of State March 9, 2016.

BILL NO. TO CHAPTER NO. OF 2018 STATUTES

Number	Chapter Number Laws of 2018		Number	Chapter Number Laws of 2018	
Init	940	.....11	ESB	6087	..... 188
	SENATE		SSB	6090	..... 2
SB	5020	.....143	ESSB	6091	..... 1
SB	5028	.....144	ESSB	6095	..... 298
SSB	5064	.....125	ESSB	6106	..... 297
ESSB	5084	.....122	ESSB	6109	..... 189
ESSB	5143	.....103	SB	6113	..... 160
E2SSB	5179	.....159	SB	6115	..... 31
SB	5213	.....84	SSB	6124	..... 305
E4SSB	5251	.....275	SB	6125	..... 72
ESB	5288	.....53	SSB	6126	..... 249
ESB	5375	.....4	ESSB	6127	..... 190
ESB	5450	.....29	SSB	6133	..... 191
SSB	5493	.....248	SB	6134	..... 56
ESB	5518	.....181	SB	6136	..... 73
SSB	5522	.....182	ESSB	6137	..... 296
SSB	5553	.....145	ESSB	6143	..... 74
SB	5598	.....183	SB	6145	..... 32
SSB	5683	.....161	SSB	6155	..... 192
SB	5722	.....300	ESSB	6157	..... 193
SSB	5746	.....67	SB	6159	..... 194
SB	5912	.....115	E2SSB	6160	..... 162
ESB	5917	.....124	E2SSB	6162	..... 75
ESSB	5928	.....68	SB	6163	..... 256
SB	5987	.....276	SSB	6175	..... 277
ESSB	5990	.....184	SB	6179	..... 104
SSB	5991	.....111	SB	6180	..... 33
ESB	5992	.....7	SB	6188	..... 265
SSB	5996	.....117	SB	6197	..... 57
ESSB	6002	.....113	ESSB	6199	..... 278
SB	6007	.....146	SB	6207	..... 148
SSB	6012	.....69	SB	6210	..... 257
ESB	6018	.....54	ESB	6211	..... 258
SSB	6021	.....112	SSB	6214	..... 264
SB	6024	.....185	SB	6218	..... 105
SB	6027	.....70	SSB	6219	..... 119
E2SSB	6029	.....62	SSB	6221	..... 76
ESSB	6032	.....299	SSB	6222	..... 34
ESSB	6034	.....186	ESB	6229	..... 250
ESSB	6037	.....6	ESB	6230	..... 251
SB	6040	.....55	SB	6231	..... 252
SSB	6051	.....238	SB	6240	..... 259
SB	6053	.....63	ESSB	6241	..... 260
SSB	6055	.....147	2SSB	6245	..... 253
SB	6058	.....187	ESSB	6257	..... 261
SB	6059	.....30	E2SSB	6269	..... 262
ESSB	6068	.....118	SSB	6273	..... 263
SB	6073	.....71	2SSB	6274	..... 232
			SB	6278	..... 233

PV

BILL NO. TO CHAPTER NO. OF 2018 STATUTES

Number	Chapter Number Laws of 2018	Number	Chapter Number Laws of 2018
HB	2816		52
SHB	2822		176
SHB	2824		177
HB	2851		99
HB	2858		178
EHB	2861		231
SHB	2887		301
HB	2892		142
ESHB	2938	PV	304
EHB	2948		100
SHB	2951		101
EHB	2957	PV	179
SHB	2970		180
SHB	2990		195
SHB	2998		102
SHB	3002		274
ESHB	3003		10

RCW SECTIONS AFFECTED BY 2018 STATUTES

LEGEND				RCW	CH.	SEC.	
ADD	=	Add a new section		9.41.047	AMD	201	6001
AMD	=	Amend existing law		9.41.070	REMD	201	6002
DECD	=	Decodify existing law		9.41.070	REMD	226	2
RECD	=	Recodify existing law		9.41.080	AMD	145	3
REEN	=	Reenact existing law		9.41.090	AMD	201	6003
REMD	=	Reenact and amend		9.41.092	AMD	145	4
REP	=	Repeal existing law		9.41.094	AMD	201	6004
				9.41.097	AMD	201	6005
				9.41.173	AMD	201	6006
				9.41.190	AMD	7	2
				9.41.190	AMD	7	3
				9.41.220	AMD	7	4
				9.41.225	AMD	7	5
				9.41.300	AMD	201	6007
				9.41.300	AMD	201	9003
				9.41.345	AMD	226	1
				9.92.070	AMD	269	11
				9.94A	ADD	166	1
				9.94A.030	AMD	166	3
				9.94A.190	AMD	166	5
				9.94A.475	AMD	7	6
				9.94A.515	REMD	7	7
				9.94A.515	REMD	236	721
				9.94A.533	AMD	7	8
				9.94A.6333	AMD	269	13
				9.94A.655	AMD	58	45
				9.94A.6551	AMD	58	47
				9.94A.703	AMD	201	9004
				9.94A.728	REMD	166	2
				9.94A.734	AMD	166	4
				9.94A.750	AMD	123	1
				9.94A.753	AMD	123	2
				9.94A.760	AMD	269	14
				9.94B.040	AMD	269	15
				9A.16	ADD	10	7
				9A.16.040	AMD	10	3
				9A.16.040	AMD	11	7
				9A.56.130	AMD	22	5
				10	ADD	10	5,6
				10.01.160	AMD	269	6
				10.01.170	AMD	269	7
				10.01.180	AMD	269	8
				10.05.040	AMD	201	9005
				10.05.050	AMD	201	9006
				10.21	ADD	276	6
				10.21.015	AMD	276	2
				10.21.017	AMD	276	3
				10.21.030	AMD	276	4
				10.21.050	AMD	276	5
				10.46.190	AMD	269	9

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
10.64.015	AMD	269	10	13.40.0357	AMD	162	3
10.73.160	AMD	269	12	13.40.070	AMD	82	1
10.82.090	AMD	269	1	13.40.080	AMD	82	4
10.93	ADD	265	2	13.40.110	AMD	162	4
10.109.010	AMD	285	2	13.40.193	AMD	7	9
10.109.030	AMD	285	3	13.40.193	AMD	22	7
11.02.005	AMD	22	6	13.40.193	AMD	162	5
13.04.030	REMD	162	1	13.40.300	AMD	162	6
13.04.030	AMD	162	2	13.40.300	AMD	162	7
13.34.025	AMD	284	1	13.50.010	AMD	58	78
13.34.030	AMD	58	54	13.50.270	AMD	82	5
13.34.030	AMD	284	2	13.90.010	AMD	58	75
13.34.030	AMD	284	3	15	ADD	106	1-10
13.34.040	AMD	17	1				12
13.34.062	AMD	58	71	15	ADD	236	1
13.34.065	AMD	284	4				101-105
13.34.067	AMD	284	5				201-205
13.34.069	AMD	58	72				301,302
13.34.094	AMD	284	6				401-404
13.34.096	AMD	284	7				501-509
13.34.096	AMD	284	8				901,902
13.34.125	AMD	284	9	15.24.100	AMD	22	8
13.34.130	AMD	284	10	15.28.015	AMD	236	701
13.34.132	AMD	284	11	15.36.012	AMD	236	702
13.34.136	AMD	284	12	15.36.401	AMD	236	703
13.34.136	AMD	284	13	15.36.541	AMD	236	704
13.34.138	REMD	284	14	15.44.015	AMD	236	705
13.34.145	REMD	284	15	15.49.370	AMD	233	1
13.34.155	REMD	284	16	15.65.033	AMD	236	706
13.34.174	AMD	284	17	15.66.017	AMD	236	707
13.34.176	AMD	284	18	15.74.060	AMD	71	1
13.34.180	AMD	284	19	15.76.100	AMD	280	1
13.34.180	AMD	284	20	15.76.110	AMD	280	2
13.34.210	AMD	284	21	15.76.115	AMD	280	3
13.34.215	AMD	284	22	15.76.120	AMD	280	4
13.34.233	AMD	284	23	15.76.130	REP	280	9
13.34.245	AMD	284	24	15.76.140	AMD	280	5
13.34.267	AMD	34	1	15.76.150	AMD	280	6
13.34.268	AMD	34	2	15.76.160	AMD	280	7
13.34.320	AMD	284	25	15.76.170	AMD	280	8
13.34.330	AMD	284	26	15.88.025	AMD	236	708
13.34.340	AMD	284	27	15.89.025	AMD	236	709
13.34.360	AMD	182	2	16.36.140	AMD	281	1
13.34.370	AMD	284	28	16.49.095	AMD	236	710
13.34.380	AMD	284	29	16.67.035	AMD	236	711
13.34.385	AMD	284	30	17.24.051	AMD	147	2
13.34.400	AMD	284	31	18.04.183	AMD	224	3
13.40	ADD	162	8	18.04.195	AMD	224	4
13.40.020	REMD	82	2	18.04.215	AMD	224	5
13.40.020	AMD	82	3	18.04.345	AMD	224	6

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
18.04.350	AMD	224	2	19.27	ADD	207	6
18.04.420	REP	199	101	19.27.015	AMD	207	1
18.08	ADD	207	10	19.27.031	AMD	189	1
18.08.240	AMD	207	9	19.27.035	AMD	207	2
18.08.470	REP	199	101	19.27.060	AMD	302	2
18.11.270	REP	199	101	19.27.070	AMD	207	3
18.16	ADD	203	9,10	19.27.074	AMD	207	4
18.16.230	REP	199	101	19.27.085	AMD	207	5
18.20	ADD	173	2,3	19.27.097	AMD	1	101
18.20.190	AMD	173	4	19.27A.020	AMD	207	7
18.20.200	REP	199	101	19.28	ADD	240	2
18.20.430	AMD	173	5	19.28	ADD	249	4
18.25.210	AMD	215	1	19.28.010	AMD	240	1
18.27.360	REP	199	101	19.28.161	AMD	249	2
18.32.675	AMD	210	1	19.28.191	AMD	249	1
18.39.465	REP	199	101	19.28.205	AMD	249	3
18.39.810	AMD	299	919	19.94.544	AMD	198	1
18.43.160	REP	199	101	19.182.170	AMD	54	1
18.46.055	REP	199	101	19.182.230	AMD	54	2
18.57	ADD	211	4	21.20.340	AMD	185	1
18.57.001	AMD	211	3	23B.07.010	AMD	55	1
18.71	ADD	211	2	23B.07.020	AMD	55	2
18.71.010	AMD	211	1	23B.07.080	AMD	55	3
18.74.010	AMD	222	1	26	ADD	6	101-107
18.74.180	AMD	222	2				201-206
18.76.100	REP	199	101				301-314
18.85.341	REP	199	101				401-412
18.88A.020	AMD	201	9008				501-523
18.96.190	REP	199	101				601-608
18.104.115	REP	199	101				701-718
18.106.290	REP	199	101				801-806
18.130	ADD	216	1				901-903
18.130.020	AMD	300	3	26	ADD	183	1-6
18.130.125	REP	199	101	26.09.105	AMD	150	101
18.130.180	AMD	216	2	26.09.240	REP	183	8
18.130.180	AMD	300	4	26.10.160	AMD	183	7
18.140.200	REP	199	101	26.18.020	AMD	150	102
18.145.125	REP	199	101	26.18.170	AMD	150	103
18.160.050	AMD	37	1	26.19.020	AMD	150	301
18.160.085	REP	199	101	26.19.065	AMD	150	401
18.165.280	REP	199	101	26.23	ADD	150	201
18.170.163	REP	199	101	26.23.050	AMD	150	104
18.180.050	REP	199	101	26.26.011	REP	6	907
18.185.055	REP	199	101	26.26.021	REP	6	907
18.205.080	AMD	201	9007	26.26.031	REP	6	907
19	ADD	5	1-3	26.26.041	REP	6	907
19	ADD	6	905	26.26.051	REP	6	907
19.02.050	AMD	58	33	26.26.101	REP	6	907
19.27	ADD	29	1	26.26.106	REP	6	907
19.27	ADD	189	2	26.26.111	REP	6	907

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
26.26.116	REP	6	907	26.26.585	REP	6	907
26.26.165	AMD	150	105	26.26.590	REP	6	907
26.26.210	REP	6	907	26.26.600	REP	6	907
26.26.220	REP	6	907	26.26.605	REP	6	907
26.26.230	REP	6	907	26.26.610	REP	6	907
26.26.240	REP	6	907	26.26.615	REP	6	907
26.26.250	REP	6	907	26.26.620	REP	6	907
26.26.260	REP	6	907	26.26.625	REP	6	907
26.26.300	REP	6	907	26.26.630	REP	6	907
26.26.305	REP	6	907	26.26.700	REP	6	907
26.26.310	REP	6	907	26.26.705	REP	6	907
26.26.315	REP	6	907	26.26.710	REP	6	907
26.26.320	REP	6	907	26.26.715	REP	6	907
26.26.325	REP	6	907	26.26.720	REP	6	907
26.26.330	REP	6	907	26.26.725	REP	6	907
26.26.335	REP	6	907	26.26.730	REP	6	907
26.26.340	REP	6	907	26.26.735	REP	6	907
26.26.345	REP	6	907	26.26.740	REP	6	907
26.26.350	REP	6	907	26.26.750	REP	6	907
26.26.355	REP	6	907	26.26.760	REP	6	907
26.26.360	REP	6	907	26.26.903	REP	6	907
26.26.365	REP	6	907	26.26.904	REP	6	907
26.26.370	REP	6	907	26.26.911	REP	6	907
26.26.375	REP	6	907	26.26.914	REP	6	907
26.26.375	AMD	150	106	26.44	ADD	171	1,4,6
26.26.400	REP	6	907	26.44.020	AMD	171	2
26.26.405	REP	6	907	26.44.020	AMD	171	3
26.26.410	REP	6	907	26.44.020	AMD	284	32
26.26.415	REP	6	907	26.44.020	AMD	284	33
26.26.420	REP	6	907	26.44.030	REMD	77	1
26.26.425	REP	6	907	26.44.125	AMD	58	64
26.26.430	REP	6	907	26.44.185	AMD	171	5
26.26.435	REP	6	907	26.44.220	AMD	58	46
26.26.440	REP	6	907	26.50.060	AMD	84	1
26.26.445	REP	6	907	26.50.070	AMD	22	9
26.26.450	REP	6	907	28A.150	ADD	177	503
26.26.500	REP	6	907	28A.150.205	AMD	8	5
26.26.505	REP	6	907	28A.150.250	AMD	177	601
26.26.510	REP	6	907	28A.150.260	AMD	266	101
26.26.515	REP	6	907	28A.150.276	AMD	266	301
26.26.520	REP	6	907	28A.150.390	AMD	266	102
26.26.525	REP	6	907	28A.150.392	AMD	266	106
26.26.530	REP	6	907	28A.150.410	AMD	266	202
26.26.535	REP	6	907	28A.150.412	AMD	266	203
26.26.540	REP	6	907	28A.155.160	AMD	58	32
26.26.545	REP	6	907	28A.160	ADD	266	103
26.26.550	REP	6	907	28A.165.035	AMD	75	7
26.26.555	REP	6	907	28A.165.055	AMD	266	104
26.26.570	REP	6	907	28A.175.075	AMD	58	31
26.26.575	REP	6	907	28A.188.040	AMD	58	30

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
28A.195.010	AMD	177	201	28A.343	ADD	113	203
28A.195.030	AMD	177	202	28A.400	ADD	260	33
28A.195.060	AMD	177	203	28A.400.006	AMD	266	204
28A.225	ADD	139	1,2	28A.400.200	AMD	266	205
28A.230	ADD	64	4	28A.400.205	AMD	266	206
28A.230	ADD	127	2	28A.400.275	REMD	260	22
28A.230	ADD	177	504	28A.400.280	AMD	260	29
28A.230	ADD	229	2	28A.400.350	AMD	260	23
28A.230.010	AMD	177	302	28A.410	ADD	200	3
28A.230.090	AMD	229	1	28A.410.105	REP	199	101
28A.230.093	REP	127	7	28A.413.040	AMD	153	1
28A.230.097	REMD	73	1	28A.413.060	AMD	153	3
28A.230.097	REMD	177	301	28A.413.070	AMD	153	4
28A.230.150	AMD	109	3	28A.415	ADD	127	3
28A.232.010	AMD	56	1	28A.415.020	REP	266	411
28A.235	ADD	8	2-4	28A.415.023	REP	266	411
			6,8,9	28A.415.024	REP	266	411
28A.235	ADD	271	1-4	28A.500.015	AMD	266	303
			6	28A.505.240	AMD	266	304
28A.235.150	AMD	8	7	28A.600	ADD	125	2
28A.300	ADD	75	3-5	28A.630	ADD	206	1
			8	28A.630.500	AMD	175	10
28A.300	ADD	127	4,5	28A.655.070	AMD	177	401
28A.300	ADD	177	508,703	28A.655.080	AMD	58	1
28A.300	ADD	206	2,3	28A.655.180	AMD	177	506
28A.300	ADD	228	1	28A.655.180	AMD	177	507
28A.300	ADD	266	105,410	28A.655.220	AMD	58	28
28A.300	ADD	271	5	28A.700.070	AMD	177	304
28A.300	ADD	290	2	28A.700.070	AMD	191	1
28A.300.150	AMD	64	2	28A.710	ADD	260	24
28A.300.160	AMD	64	3	28A.710.040	AMD	75	9
28A.300.236	AMD	177	303	28A.710.280	AMD	266	403
28A.300.525	AMD	58	50	28A.715	ADD	290	1,3
28A.300.545	AMD	177	505	28A.715.010	AMD	257	1
28A.300.570	AMD	58	29	28A.715.040	AMD	266	404
28A.300.592	AMD	58	63	28B	ADD	83	1-5
28A.300.800	REP	139	6	28B	ADD	209	1-4
28A.300.803	AMD	268	2	28B.10	ADD	13	2
28A.305	ADD	177	702	28B.10	ADD	124	2
28A.305.140	AMD	177	501	28B.10	ADD	125	3
28A.305.140	AMD	177	502	28B.10	ADD	268	1
28A.305.140	RECD	177	703	28B.10.027	AMD	2	7013
28A.305.141	REP	177	701	28B.10.285	AMD	62	2
28A.305.142	REP	177	701	28B.10.710	AMD	144	2
28A.310.020	AMD	177	101	28B.14H	ADD	3	304
28A.320	ADD	75	1,2,6	28B.15	ADD	292	1
28A.320	ADD	139	3	28B.15.012	AMD	204	3
28A.320	ADD	200	2,4	28B.15.069	REMD	202	1
28A.320	ADD	266	409	28B.15.621	AMD	129	1
28A.320.330	AMD	266	302	28B.20	ADD	293	2,4,5

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
28B.20.476	AMD	299	905	28B.145.070	AMD	254	8
28B.20.725	AMD	2	7019	28B.145.090	AMD	114	6
28B.30.750	AMD	2	7020	28B.145.090	AMD	209	10
28B.50.140	AMD	267	3	28B.145.090	AMD	254	3
28B.52	ADD	250	2	28C	ADD	294	2,3
28B.52.035	AMD	267	2	28C.10.050	AMD	203	6
28B.52.045	AMD	247	1	28C.10.110	AMD	203	7
28B.52.065	AMD	252	7	28C.10.130	AMD	203	8
28B.76.526	AMD	232	10	29A	ADD	113	101-104
28B.77	ADD	13	3				201,202
28B.77	ADD	62	1,5				301-304
28B.77	ADD	203	13				401-405
28B.77	ADD	293	3				501,503
28B.77.005	AMD	58	27	29A.04	ADD	109	2
28B.77.070	AMD	298	7014	29A.04	ADD	110	201
28B.77.250	AMD	232	6	29A.08	ADD	109	5,6,14
28B.85	ADD	203	4,5	29A.08	ADD	110	102-104
			11,12				202,203
28B.85.090	AMD	203	3				207
28B.95.020	AMD	188	1	29A.08.110	AMD	109	4
28B.95.030	AMD	188	2	29A.08.110	AMD	110	101
28B.95.045	AMD	188	3	29A.08.110	AMD	112	2
28B.105.060	AMD	58	62	29A.08.125	AMD	109	7
28B.117	ADD	232	8,11	29A.08.140	AMD	112	1
28B.117.005	AMD	232	1	29A.08.210	AMD	109	8
28B.117.010	AMD	232	2	29A.08.330	AMD	109	18
28B.117.020	AMD	232	3	29A.08.350	AMD	110	106
28B.117.030	AMD	232	4	29A.08.410	AMD	110	204
28B.117.040	AMD	232	5	29A.08.410	AMD	112	3
28B.117.050	AMD	232	7	29A.08.420	AMD	110	205
28B.117.070	REP	232	12	29A.08.615	AMD	109	9
28B.117.901	REP	232	12	29A.08.710	AMD	109	10
28B.117.902	REP	232	12	29A.08.720	AMD	109	11
28B.118.010	AMD	12	1	29A.08.720	AMD	110	206
28B.118.010	AMD	204	1	29A.08.760	AMD	109	12
28B.118.040	AMD	12	2	29A.08.770	AMD	109	19
28B.145	ADD	254	4-7	29A.12	ADD	218	6,7
28B.145.005	AMD	114	1	29A.12.005	AMD	218	5
28B.145.005	AMD	209	5	29A.24.091	AMD	187	1
28B.145.010	AMD	114	2	29A.24.311	AMD	187	2
28B.145.010	AMD	209	6	29A.32.031	AMD	112	5
28B.145.010	AMD	254	9	29A.40.160	AMD	112	4
28B.145.020	AMD	114	3	29A.60.021	AMD	187	3
28B.145.020	AMD	209	7	29A.60.110	AMD	218	4
28B.145.020	AMD	254	2	29A.60.125	AMD	218	8
28B.145.030	AMD	114	4	29A.60.170	AMD	218	3
28B.145.030	AMD	204	2	29A.60.185	AMD	218	2
28B.145.030	AMD	209	8	29A.60.235	AMD	218	9
28B.145.040	AMD	114	5	29A.76	ADD	113	502
28B.145.040	AMD	209	9	29A.76.010	AMD	301	8

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
29A.84.140	AMD	109	13	38.42	ADD	197	4
31.04	ADD	62	3	38.42.010	AMD	197	1
			6-8	38.42.130	AMD	197	2
			10,20	38.42.140	AMD	197	3
31.04.015	REMD	62	9	38.52.030	AMD	26	2
31.04.027	AMD	62	11	39.04.320	AMD	244	1
31.04.035	AMD	62	12	39.04.350	AMD	243	1
31.04.093	AMD	62	13	39.08.030	REMD	89	1
31.04.102	AMD	62	14	39.08.100	AMD	89	2
31.04.145	AMD	62	15	39.12.015	AMD	242	1
31.04.165	AMD	62	16	39.12.015	AMD	248	1
31.04.277	AMD	62	17	39.12.080	AMD	299	923
31.04.310	AMD	62	18	39.26	ADD	253	3
34.05.328	REMD	207	8	39.26.100	AMD	253	4
34.12	ADD	186	2	39.33	ADD	217	3
35.20.220	AMD	269	5	39.58.010	AMD	237	1
35.21	ADD	113	206	39.58.105	AMD	237	2
35.21.688	AMD	58	26	39.58.240	AMD	237	3
35.22.620	AMD	74	1	39.102.020	AMD	178	1
35.23.352	AMD	74	2	41.04	ADD	19	1
35.63.080	AMD	302	3	41.04	ADD	32	6
35.63.185	AMD	58	25	41.04.005	REMD	61	1
35.83	ADD	42	1	41.04.205	AMD	260	21
35.94.040	AMD	217	4	41.04.385	AMD	58	21
35A.21	ADD	113	207	41.04.650	AMD	39	1
35A.63.100	AMD	302	4	41.04.655	AMD	39	2
35A.63.215	AMD	58	24	41.04.660	AMD	39	3
36.18.016	AMD	36	7	41.04.665	AMD	39	4
36.18.020	AMD	269	17	41.05	ADD	159	1
36.22.178	AMD	66	5	41.05	ADD	201	10001
36.22.179	AMD	85	2				11003
36.28A	ADD	11	6	41.05	ADD	219	2
36.28A	ADD	142	1	41.05	ADD	260	5,31
36.28A.---	AMD	10	2	41.05.006	AMD	260	2
36.32	ADD	301	2-5	41.05.009	AMD	260	3
36.32.020	AMD	113	204	41.05.011	AMD	260	4
36.32.030	AMD	301	6	41.05.015	AMD	201	7001
36.32.040	AMD	113	205	41.05.021	AMD	201	7002
36.32.050	AMD	301	7	41.05.021	AMD	260	6
36.32.055	AMD	301	9	41.05.022	AMD	260	7
36.43.010	AMD	302	5	41.05.023	AMD	260	8
36.57A.050	AMD	154	1	41.05.026	AMD	260	9
36.57A.055	AMD	154	2	41.05.050	AMD	260	10
36.70	ADD	1	103	41.05.055	AMD	260	11
36.70.750	AMD	302	6	41.05.065	AMD	260	12
36.70.757	AMD	58	23	41.05.066	AMD	260	13
36.70A	ADD	1	102	41.05.075	AMD	260	14
36.70A.450	AMD	58	22	41.05.080	AMD	260	15
36.100.040	AMD	245	2	41.05.085	AMD	260	16
38.40.060	AMD	99	1	41.05.120	AMD	260	25

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
41.05.123	AMD	260	26	42.17A.110	AMD	304	4
41.05.140	AMD	260	17	42.17A.220	REMD	304	5
41.05.143	AMD	260	27	42.17A.225	AMD	304	6
41.05.225	AMD	260	18	42.17A.235	AMD	111	5
41.05.300	AMD	260	19	42.17A.235	AMD	304	7
41.05.320	AMD	260	20	42.17A.240	AMD	111	6
41.05.700	AMD	260	30	42.17A.240	AMD	304	8
41.05.740	AMD	260	1	42.17A.420	AMD	111	7
41.05A.005	AMD	201	7003	42.17A.450	AMD	304	11
41.06.070	AMD	246	1	42.17A.750	AMD	304	12
41.06.097	AMD	58	6	42.17A.755	AMD	304	13
41.08.070	AMD	32	1	42.17A.765	AMD	304	14
41.12.070	AMD	32	2	42.17A.770	AMD	304	15
41.14.100	AMD	32	3	42.48.010	AMD	58	20
41.26	ADD	230	2	42.56	ADD	303	7
41.26.030	AMD	230	1	42.56.230	AMD	109	16
41.26.717	AMD	272	2	42.56.240	REMD	171	7
41.26.802	AMD	299	908	42.56.240	REMD	285	1
41.32	ADD	151	1	42.56.250	REMD	109	17
41.32.010	AMD	257	2	42.56.270	AMD	4	9
41.35.010	AMD	257	3	42.56.270	AMD	196	21
41.37	ADD	241	2	42.56.270	AMD	201	8008
41.37.010	AMD	241	1	42.56.380	AMD	106	11
41.40	ADD	151	2	42.56.380	AMD	170	1
41.56	ADD	250	1	42.56.400	REMD	30	9
41.56.026	AMD	278	28	42.56.400	REMD	260	32
41.56.030	AMD	253	5	42.56.430	REMD	214	1
41.56.030	AMD	253	6	42.56.430	AMD	214	2
41.56.110	AMD	247	2	43	ADD	3	101-105
41.56.113	AMD	278	29				201-206
41.56.160	AMD	252	1	43	ADD	98	1-7
41.56.510	AMD	253	7	43	ADD	161	1-6
41.56.510	AMD	253	8	43	ADD	270	1-8
41.56.800	AMD	266	207	43	ADD	275	1-8
41.59	ADD	250	3	43.03.040	AMD	272	1
41.59.060	AMD	247	3	43.06A.030	AMD	58	77
41.59.150	AMD	252	2	43.08	ADD	35	2
41.59.800	AMD	266	208	43.08.064	AMD	35	4
41.76	ADD	250	4	43.08.066	AMD	35	3
41.76.045	AMD	247	4	43.08.068	AMD	35	1
41.76.055	AMD	252	3	43.09.210	AMD	217	5
41.80	ADD	250	5	43.09.2856	AMD	266	406
41.80.100	AMD	247	5	43.10.280	REP	284	69
41.80.120	AMD	252	4	43.15	ADD	67	3
42	ADD	303	3-5	43.15.030	AMD	67	1
42.17A	ADD	111	4	43.17.200	AMD	298	7016
42.17A	ADD	304	16-18	43.17.400	AMD	217	2
42.17A.005	REMD	111	3	43.19.501	REMD	2	7027
42.17A.005	REMD	304	2	43.20	ADD	167	1
42.17A.055	AMD	304	3	43.20.275	AMD	58	19

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
43.20A.025	RECD	201	11003	43.71.075	AMD	44	7
43.20A.025	AMD	201	2001	43.71.080	AMD	44	8
43.20A.065	RECD	201	11003	43.71.090	REP	44	10
43.20A.065	AMD	201	2002	43.79	ADD	299	920
43.20A.433	RECD	201	11003	43.79.445	AMD	299	922
43.20A.433	AMD	201	2003	43.79A.040	AMD	127	6
43.20A.890	RECD	201	11003	43.79A.040	AMD	258	4
43.20A.890	AMD	201	2004	43.79A.040	AMD	260	28
43.20A.892	RECD	201	11003	43.82.010	AMD	217	7
43.20A.892	AMD	201	2005	43.84.092	REMD	203	14
43.20A.893	RECD	201	11003	43.84.092	REMD	275	10
43.20A.893	AMD	201	2006	43.84.092	REMD	287	7
43.20A.894	RECD	201	11003	43.88	ADD	208	5
43.20A.894	AMD	201	2007	43.88C.010	AMD	208	4
43.20A.896	RECD	201	11003	43.88C.050	AMD	58	15
43.20A.896	AMD	201	2008	43.88D.010	AMD	298	7013
43.20A.897	RECD	201	11003	43.99G.150	AMD	3	301
43.20A.897	AMD	201	2009	43.99G.170	AMD	3	302
43.21B.005	REEN	22	10	43.99H	ADD	3	303
43.30	ADD	189	3	43.101	ADD	11	3-5
43.30	ADD	255	2,3	43.101.---	AMD	10	1
43.31	ADD	66	2,3	43.101.080	AMD	32	4
43.31.571	AMD	58	5	43.101.095	AMD	32	5
43.31.575	AMD	58	18	43.113.030	AMD	143	1
43.31.581	AMD	58	17	43.117.070	AMD	143	2
43.31.583	AMD	58	16	43.121.100	AMD	58	14
43.41.433	AMD	299	901	43.131	ADD	196	26,27
43.43	ADD	7	10	43.131	ADD	270	10,11
43.43.115	AMD	217	6	43.131.341	REP	143	3
43.43.380	AMD	140	1	43.131.342	REP	143	3
43.43.7541	AMD	269	18	43.131.393	AMD	194	1
43.43.823	AMD	22	11	43.131.394	AMD	194	2
43.59.030	AMD	201	8010	43.180.160	AMD	78	1
43.60A.050	AMD	45	2	43.180.300	AMD	78	2
43.60A.100	REEN	45	1	43.185.050	AMD	223	4
43.63A.066	AMD	58	4	43.185C	ADD	85	9
43.63A.068	AMD	58	3	43.185C.010	AMD	85	8
43.63A.510	AMD	217	1	43.185C.030	AMD	85	3
43.70	ADD	95	3	43.185C.040	AMD	85	4
43.70	ADD	201	10002	43.185C.050	AMD	85	5
43.70.080	AMD	201	8009	43.185C.060	AMD	85	6
43.71.010	AMD	44	1	43.185C.160	AMD	85	7
43.71.020	AMD	44	2	43.185C.180	AMD	15	1
43.71.030	AMD	44	3	43.185C.230	AMD	48	3
43.71.035	REP	44	10	43.185C.240	AMD	85	10
43.71.040	REP	44	10	43.185C.260	AMD	58	61
43.71.050	REP	44	10	43.185C.285	AMD	58	60
43.71.060	AMD	44	4	43.216	ADD	155	2,3
43.71.065	AMD	44	5	43.216.015	AMD	51	1
43.71.070	AMD	44	6	43.216.015	AMD	58	76

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
43.216.045	AMD	58	43	46.20.117	AMD	157	2
43.216.065	AMD	58	13	46.20.155	AMD	109	15
43.216.105	AMD	58	44	46.20.161	AMD	69	1
43.216.135	AMD	52	6	46.20.207	AMD	110	107
43.216.139	AMD	52	3	46.20.500	AMD	60	4
43.216.141	AMD	52	4	46.25.010	REMD	49	4
43.216.165	AMD	58	68	46.25.055	AMD	49	1
43.216.250	AMD	58	70	46.25.057	AMD	49	2
43.216.265	AMD	58	42	46.25.075	AMD	49	3
43.216.270	REMD	58	69	46.32	ADD	33	1
43.216.270	REMD	59	1	46.37	ADD	60	3
43.216.300	AMD	58	41	46.44.030	AMD	105	1
43.216.305	AMD	58	40	46.55	ADD	135	2
43.216.315	AMD	58	39	46.55	ADD	287	2
43.216.325	AMD	58	38	46.55.080	AMD	22	12
43.216.350	AMD	58	37	46.61.100	AMD	18	1
43.216.355	AMD	58	36	46.61.212	AMD	18	2
43.216.370	AMD	58	35	46.61.215	AMD	18	3
43.216.380	AMD	58	67	46.61.5055	REMD	201	9009
43.216.555	AMD	58	34	46.61.5056	AMD	201	9010
43.216.555	AMD	155	4	46.61.710	AMD	60	5
43.216.905	AMD	58	81	46.63.020	AMD	18	4
43.216.906	AMD	58	80	46.68	ADD	287	6
43.320.110	AMD	62	4	46.68.420	REMD	67	2
43.320.110	AMD	185	2	46.68.430	AMD	67	6
43.330.460	AMD	76	1	46.70	ADD	273	3
43.330.462	AMD	76	2	46.71	ADD	16	5
43.330.464	AMD	76	3	46.76	ADD	16	1
43.348.010	AMD	4	1	46.76.030	AMD	135	3
43.348.020	AMD	4	2	46.76.040	AMD	16	2
43.348.030	AMD	4	3	46.76.060	AMD	16	3
43.348.040	AMD	4	4	46.76.060	AMD	135	4
43.348.050	AMD	4	5	46.76.065	AMD	16	4
43.348.060	AMD	4	6	46.76.065	AMD	135	5
43.348.070	AMD	4	7	46.76.067	AMD	135	6
43.348.080	AMD	4	8	46.76.080	AMD	135	7
43.350.070	AMD	299	924	46.79.060	AMD	135	8
44.05.080	AMD	301	10	46.79.110	AMD	287	3
46	ADD	287	5	46.80.020	AMD	287	8
46.04	ADD	67	7	46.80.060	AMD	135	9
46.04.062	REP	67	8	46.96	ADD	296	1
46.04.071	AMD	60	2	46.96.185	AMD	296	2
46.04.169	AMD	60	1	46.96.260	AMD	296	3
46.17	ADD	287	4	47.01	ADD	180	1
46.17.040	AMD	79	1	47.24.020	AMD	100	1
46.17.220	REMD	67	4	47.46	ADD	195	1,2
46.18.200	REMD	67	5	47.46.110	AMD	195	3
46.18.215	REP	67	8	47.64	ADD	250	6
46.20	ADD	110	105	47.64.132	AMD	252	5
46.20	ADD	192	2	48	ADD	30	1-8

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
48.18	ADD	239	2,4	50A.04.540	AMD	141	5
48.19	ADD	239	3	50A.04.565	AMD	141	6
48.21.180	AMD	201	8011	50A.04.600	AMD	141	7
48.41.090	AMD	219	4	51.08	ADD	264	1
48.41.200	AMD	219	3	51.08.142	AMD	264	2
48.43	ADD	14	1	51.32	ADD	9	1,2
48.43	ADD	87	4	51.32.095	REEN	22	13
48.43	ADD	115	1	51.32.185	AMD	264	3
48.43	ADD	119	2,3	51.32.225	AMD	163	1
48.43.016	AMD	193	1	51.44	ADD	282	2
48.43.039	AMD	44	9	51.44.070	AMD	282	1
48.43.190	AMD	181	1	51.44.140	AMD	282	3
48.44.240	AMD	201	8012	52.04.011	AMD	28	1
48.46.350	AMD	201	8013	52.04.031	AMD	28	4
49	ADD	38	1-4	52.06.090	AMD	28	2
			6,8	52.14	ADD	113	208
49	ADD	116	1,2	52.26.020	AMD	28	5
			4-11	52.26.030	AMD	28	3
49.04	ADD	244	2	52.26.060	AMD	28	6
49.12.175	AMD	116	3	52.26.300	AMD	28	7
49.12.175	RECD	116	12	53.08.005	AMD	169	1
49.17.180	AMD	128	1	53.08.040	AMD	148	2
49.39	ADD	250	7	53.08.120	AMD	149	2
49.39.080	AMD	247	6	53.08.370	AMD	169	2
49.39.140	AMD	252	6	53.08.380	AMD	169	3
49.44	ADD	117	1	53.08.390	AMD	107	2
49.44	ADD	120	1	53.12	ADD	113	209
49.48.120	AMD	57	1	53.18.010	AMD	251	1
49.60	ADD	70	1	53.18.060	AMD	251	2
49.60	ADD	121	2	54.12.010	AMD	113	210
49.60	ADD	176	4	54.16	ADD	186	1,3
49.60	ADD	303	2	58.17.110	AMD	1	104
49.60.040	REMD	176	2	59.18	ADD	66	1
49.60.215	AMD	176	3	59.18	ADD	277	502
49.60.218	REP	176	6	61.12	ADD	306	9
49.60.227	AMD	65	1	61.24	ADD	306	8
49.76	ADD	47	2	61.24.030	AMD	306	1
49.76.010	AMD	47	1	61.24.040	AMD	306	2
49.76.040	AMD	47	3	61.24.045	AMD	306	3
49.76.060	AMD	47	4	61.24.050	AMD	306	4
49.76.100	AMD	47	5	61.24.130	AMD	306	5
49.76.120	AMD	47	6	61.24.163	AMD	306	6
50.04.075	AMD	179	11	61.24.173	AMD	306	7
50.44.050	AMD	97	1	64	ADD	277	101-124
50.44.053	AMD	97	2				201-226
50.44.055	AMD	97	3				301-333
50A.04.010	AMD	141	1				401-420
50A.04.110	AMD	141	2	64.06	ADD	289	1
50A.04.500	AMD	141	3	64.32	ADD	277	503
50A.04.525	AMD	141	4	64.34	ADD	277	504

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
64.38	ADD	277	505	69.04.870	REP	236	801
64.38.028	AMD	65	2	69.04.900	REP	236	801
66.24	ADD	25	1	69.04.905	REP	236	801
67.08.100	AMD	199	102	69.04.910	REP	236	801
69	ADD	196	2-20	69.04.915	REP	236	801
69.04.021	REP	236	801	69.04.920	REP	236	801
69.04.022	REP	236	801	69.04.928	AMD	236	606
69.04.023	REP	236	801	69.04.928	RECD	236	904
69.04.024	REP	236	801	69.04.930	REP	236	801
69.04.025	REP	236	801	69.04.932	AMD	236	607
69.04.040	AMD	236	601	69.04.932	RECD	236	904
69.04.123	REP	236	801	69.04.933	AMD	236	608
69.04.190	REP	236	801	69.04.933	RECD	236	904
69.04.200	REP	236	801	69.04.934	AMD	236	609
69.04.205	REP	236	801	69.04.934	RECD	236	904
69.04.206	REP	236	801	69.04.935	AMD	236	610
69.04.207	REP	236	801	69.04.935	RECD	236	904
69.04.210	REP	236	801	69.04.938	AMD	236	611
69.04.220	REP	236	801	69.04.938	RECD	236	904
69.04.231	REP	236	801	69.04.940	REP	236	801
69.04.240	REP	236	801	69.04.950	REP	236	801
69.04.245	REP	236	801	69.04.955	REP	236	801
69.04.250	REP	236	801	69.04.960	REP	236	801
69.04.260	REP	236	801	69.04.965	REP	236	801
69.04.270	REP	236	801	69.04.970	REP	236	801
69.04.280	REP	236	801	69.04.975	REP	236	801
69.04.290	REP	236	801	69.04.980	REP	236	801
69.04.300	REP	236	801	69.07.060	AMD	236	712
69.04.310	REP	236	801	69.07.110	AMD	236	713
69.04.320	REP	236	801	69.07.120	AMD	236	714
69.04.330	REP	236	801	69.07.160	AMD	236	715
69.04.331	REP	236	801	69.10.005	AMD	236	716
69.04.333	REP	236	801	69.10.010	AMD	236	717
69.04.334	REP	236	801	69.10.020	AMD	96	1
69.04.335	REP	236	801	69.10.030	AMD	236	718
69.04.340	REP	236	801	69.10.045	AMD	236	719
69.04.345	REP	236	801	69.10.050	AMD	236	720
69.04.350	REP	236	801	69.41.030	AMD	196	22
69.04.360	REP	236	801	69.50	ADD	43	1
69.04.380	REP	236	801	69.50	ADD	132	1
69.04.390	REP	236	801	69.50	ADD	196	23
69.04.392	REP	236	801	69.50.101	REMD	132	2
69.04.394	REP	236	801	69.50.325	REMD	132	3
69.04.396	REP	236	801	69.50.345	AMD	43	2
69.04.398	REP	236	801	69.50.530	AMD	299	909
69.04.400	REP	236	801	69.50.540	AMD	201	8014
69.04.710	AMD	236	602	69.50.540	AMD	299	910
69.04.810	AMD	236	603	70	ADD	184	1-13
69.04.820	AMD	236	604	70	ADD	286	1-7
69.04.850	AMD	236	605	70.02.010	AMD	201	8001

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
70.02.030	AMD	87	1	71.05.203	AMD	201	3006
70.02.045	AMD	87	2	71.05.212	AMD	291	13
70.02.080	AMD	87	3	71.05.214	AMD	201	3007
70.02.230	AMD	201	8002	71.05.215	REMD	201	3008
70.02.240	AMD	201	8003	71.05.230	AMD	291	6
70.02.250	AMD	201	8004	71.05.240	REMD	201	3009
70.02.260	AMD	201	8005	71.05.240	AMD	201	3010
70.02.340	AMD	201	8006	71.05.240	REMD	291	7
70.02.350	AMD	201	8007	71.05.240	AMD	291	8
70.24.330	REP	158	2	71.05.245	AMD	291	14
70.24.335	REP	158	2	71.05.280	AMD	291	15
70.44.007	AMD	134	1	71.05.285	AMD	201	3011
70.44.070	AMD	134	2	71.05.320	REMD	201	3012
70.48	ADD	41	2	71.05.320	AMD	201	3013
70.54	ADD	122	1	71.05.325	AMD	201	3014
70.54.280	AMD	192	3	71.05.330	AMD	201	3015
70.79.070	AMD	259	1	71.05.335	AMD	201	3016
70.79.080	AMD	259	2	71.05.340	AMD	201	3017
70.94	ADD	147	1	71.05.350	AMD	201	3018
70.95	ADD	196	24	71.05.425	REMD	201	3019
70.95B.090	AMD	213	1	71.05.435	AMD	201	3020
70.95B.095	AMD	213	2	71.05.445	REMD	201	3021
70.95G	ADD	138	2	71.05.510	AMD	201	3022
70.95G.010	AMD	138	1	71.05.520	AMD	201	3023
70.95G.040	AMD	138	3	71.05.525	AMD	201	3024
70.105D.070	AMD	299	911	71.05.560	AMD	201	3025
70.112.010	AMD	93	1	71.05.585	REMD	291	2
70.112.080	AMD	93	2	71.05.590	AMD	201	3026
70.128.064	AMD	160	1	71.05.590	AMD	201	3027
70.149.040	AMD	194	3	71.05.590	AMD	291	9
70.170.020	AMD	263	1	71.05.590	AMD	291	10
70.170.060	AMD	263	2	71.05.595	AMD	291	16
70.198.020	AMD	58	12	71.05.620	AMD	201	3028
70.300.005	AMD	94	1	71.05.720	AMD	201	3029
70.300.010	AMD	94	2	71.05.732	AMD	201	3030
70.300.020	AMD	94	3	71.05.740	AMD	201	3031
70.305.010	AMD	58	11	71.05.745	AMD	201	3032
70.305.020	AMD	58	10	71.05.750	AMD	201	3033
71.05	ADD	291	3	71.05.755	AMD	201	3034
71.05.020	AMD	201	3001	71.05.760	AMD	201	3035
71.05.020	AMD	291	1	71.05.801	AMD	201	3036
71.05.020	AMD	305	1	71.05.940	AMD	201	3037
71.05.026	AMD	201	3002	71.09.090	AMD	131	2
71.05.027	AMD	201	3003	71.24	ADD	201	11003
71.05.040	AMD	201	3004				4056
71.05.100	AMD	201	3005				4062
71.05.150	AMD	291	4	71.24.015	AMD	201	4001
71.05.150	AMD	291	5	71.24.025	REMD	201	4002
71.05.156	AMD	291	12	71.24.030	AMD	201	4003
71.05.201	AMD	291	11	71.24.035	AMD	201	4004

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW	CH.	SEC.	RCW	CH.	SEC.		
71.24.037	AMD	201	4005	71.24.610	AMD	201	4049
71.24.045	AMD	175	7	71.24.615	AMD	201	4050
71.24.045	AMD	201	4006	71.24.620	AMD	201	4051
71.24.061	AMD	201	4007	71.24.625	AMD	201	4052
71.24.061	AMD	288	2	71.24.630	AMD	201	4053
71.24.065	AMD	58	59	71.24.640	AMD	201	4054
71.24.065	DECD	201	11002	71.24.645	AMD	201	4055
71.24.100	AMD	201	4008	71.24.650	AMD	201	4057
71.24.155	AMD	201	4009	71.24.805	AMD	201	4058
71.24.160	AMD	201	4010	71.24.810	AMD	201	4059
71.24.215	AMD	201	4011	71.24.850	AMD	201	4060
71.24.220	AMD	201	4012	71.24.860	AMD	201	4061
71.24.240	AMD	201	4013	71.24.902	AMD	201	4063
71.24.300	AMD	201	4014	71.34	ADD	201	11003
71.24.310	AMD	201	4015	71.34.010	AMD	201	5001
71.24.320	AMD	201	4016	71.34.020	REMD	201	5002
71.24.330	AMD	201	4017	71.34.300	AMD	201	5003
71.24.340	AMD	201	4018	71.34.365	AMD	201	5004
71.24.350	AMD	201	4019	71.34.375	AMD	201	5005
71.24.360	AMD	201	4020	71.34.380	AMD	201	5006
71.24.370	AMD	201	4021	71.34.385	AMD	201	5007
71.24.380	AMD	201	4022	71.34.390	AMD	201	5008
71.24.385	AMD	175	6	71.34.395	AMD	201	5009
71.24.385	AMD	201	4023	71.34.400	AMD	201	5010
71.24.400	AMD	201	4024	71.34.405	AMD	201	5011
71.24.405	AMD	201	4025	71.34.420	AMD	201	5012
71.24.415	AMD	201	4026	71.34.600	AMD	201	5013
71.24.420	AMD	201	4027	71.34.610	AMD	201	5014
71.24.430	AMD	201	4028	71.34.630	AMD	201	5015
71.24.455	AMD	201	4029	71.34.640	AMD	201	5016
71.24.460	AMD	201	4030	71.34.720	REMD	201	5017
71.24.470	AMD	201	4031	71.34.720	AMD	201	5018
71.24.480	AMD	201	4032	71.34.760	AMD	201	5019
71.24.490	AMD	201	4033	71.34.780	AMD	201	5020
71.24.500	AMD	201	4034	71.34.780	AMD	201	5021
71.24.515	AMD	201	4035	71.34.790	AMD	201	5022
71.24.520	AMD	201	4036	71.36.010	REMD	201	5023
71.24.525	AMD	201	4037	71.36.025	AMD	201	5024
71.24.530	AMD	201	4038	71.36.040	AMD	201	5025
71.24.535	AMD	201	4039	71.36.060	AMD	201	5026
71.24.540	AMD	201	4040	72.05	ADD	31	1
71.24.545	AMD	201	4041	72.05.435	AMD	58	52
71.24.555	AMD	201	4042	72.09	ADD	41	1
71.24.565	AMD	201	4043	72.09.350	AMD	201	9011
71.24.580	AMD	201	4044	72.09.370	AMD	201	9012
71.24.580	AMD	205	2	72.09.380	AMD	201	9013
71.24.590	AMD	201	4045	72.09.381	AMD	201	9014
71.24.595	AMD	201	4046	72.09.585	AMD	201	9015
71.24.600	REMD	201	4047	72.36.020	AMD	45	3
71.24.605	AMD	201	4048	72.36.090	AMD	45	4

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
72.36.100	AMD	45	5	74.13.031	REMD	284	37
72.36.110	AMD	45	6	74.13.0311	AMD	284	38
72.36.150	AMD	45	7	74.13.036	REMD	284	39
72.40.028	AMD	266	405	74.13.042	AMD	284	40
74	ADD	238	1,2	74.13.045	AMD	284	41
74.04.005	REMD	40	1	74.13.055	AMD	284	42
74.04.014	AMD	58	9	74.13.065	AMD	284	43
74.04.015	AMD	201	2010	74.13.170	AMD	284	44
74.04.025	AMD	253	2	74.13.250	REMD	20	1
74.04.805	AMD	48	1	74.13.280	AMD	284	45
74.08A	ADD	126	2-4	74.13.283	AMD	284	46
74.08A.260	AMD	58	8	74.13.285	AMD	284	47
74.08A.260	AMD	126	5	74.13.289	AMD	284	48
74.08A.341	AMD	52	5	74.13.300	AMD	284	49
74.08A.341	AMD	126	6	74.13.310	AMD	284	50
74.09	ADD	156	1	74.13.315	AMD	284	51
74.09	ADD	159	2	74.13.320	REP	284	69
74.09	ADD	175	4,8	74.13.325	AMD	284	52
74.09	ADD	201	11003	74.13.333	AMD	284	53
74.09.050	AMD	201	7004	74.13.334	AMD	284	54
74.09.055	AMD	201	7005	74.13.336	AMD	34	4
74.09.080	AMD	201	7006	74.13.341	AMD	58	49
74.09.120	AMD	201	7007	74.13.360	REP	284	69
74.09.160	AMD	201	7008	74.13.362	REP	284	69
74.09.210	AMD	201	7009	74.13.364	REP	284	69
74.09.220	AMD	201	7010	74.13.366	REP	284	69
74.09.230	AMD	201	7011	74.13.370	REP	284	69
74.09.240	AMD	201	7012	74.13.372	REP	284	69
74.09.260	AMD	201	7013	74.13.500	AMD	284	55
74.09.280	AMD	201	7014	74.13.515	AMD	284	56
74.09.290	AMD	201	7015	74.13.525	AMD	284	57
74.09.315	AMD	201	7016	74.13.530	AMD	284	58
74.09.340	AMD	137	1	74.13.560	AMD	139	4
74.09.470	AMD	58	2	74.13.560	AMD	284	59
74.09.495	AMD	175	3	74.13.570	AMD	58	58
74.09.522	AMD	201	7017	74.13.590	AMD	284	60
74.09.530	AMD	201	7018	74.13.600	AMD	284	61
74.09.540	AMD	201	7019	74.13.631	AMD	139	5
74.09.730	AMD	201	7020	74.13.632	AMD	58	48
74.09.780	AMD	201	7021	74.13.640	AMD	284	62
74.09.860	AMD	27	1	74.13.650	AMD	284	63
74.12.340	AMD	58	7	74.13.660	AMD	58	57
74.13	ADD	208	3	74.13A.005	AMD	58	73
74.13.010	AMD	284	34	74.13B.020	AMD	284	64
74.13.020	AMD	34	3	74.14A.060	AMD	58	74
74.13.020	AMD	58	51	74.14B.010	AMD	58	79
74.13.020	AMD	284	35	74.15.010	AMD	284	65
74.13.020	AMD	284	36	74.15.020	AMD	284	66
74.13.031	REMD	34	5	74.15.020	AMD	284	67
74.13.031	REMD	80	1	74.15.038	AMD	58	56

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
74.15.100	REMD	284	68	77.32.400	REP	168	3
74.20A.055	AMD	150	107	77.32.430	AMD	190	1
74.20A.056	AMD	150	108	77.65.150	AMD	235	1
74.20A.059	AMD	150	109	77.65.160	AMD	235	2
74.20A.300	AMD	150	110	77.65.170	AMD	235	3
74.20A.350	AMD	150	202	77.65.190	AMD	235	4
74.31.020	AMD	58	55	77.65.200	AMD	235	5
74.34.020	REMD	201	9016	77.65.210	AMD	235	6
74.39A	ADD	225	3	77.65.220	AMD	235	7
74.39A	ADD	278	3-5	77.65.280	AMD	235	8
			13,20	77.65.340	AMD	235	9
			26,27	77.65.390	AMD	235	10
74.39A.009	REMD	278	2	77.65.440	AMD	235	11
74.39A.030	AMD	225	2	77.65.480	AMD	235	12
74.39A.030	AMD	278	6	77.65.510	AMD	235	13
74.39A.051	AMD	278	7	77.115.010	AMD	179	6
74.39A.056	AMD	278	8	77.115.030	AMD	179	7
74.39A.060	AMD	278	9	77.115.040	AMD	179	8
74.39A.076	AMD	220	1	77.125	ADD	179	3,12
74.39A.086	AMD	278	10	77.125.030	AMD	179	9
74.39A.090	AMD	278	11	79.02.010	REMD	258	1
74.39A.095	AMD	278	12	79.17.210	AMD	298	7005
74.39A.155	AMD	278	14	79.64	ADD	258	3
74.39A.210	AMD	278	15	79.73.010	AMD	279	5
74.39A.220	REP	278	32	79.105	ADD	179	2
74.39A.240	AMD	278	16	79.105.150	AMD	299	914
74.39A.250	AMD	278	17	79A.05.115	AMD	279	1
74.39A.261	AMD	278	18	79A.05.120	AMD	279	2
74.39A.270	AMD	278	19	79A.05.125	AMD	279	3
74.39A.275	AMD	278	21	79A.05.130	AMD	279	4
74.39A.300	AMD	278	22	80.04.080	AMD	104	1
74.39A.310	AMD	278	23	81	ADD	107	7-12
74.39A.351	AMD	278	24	81.04.080	AMD	104	2
74.39A.360	AMD	278	25	81.104.175	AMD	81	1
74.62.030	AMD	48	2	82.02.090	REMD	133	1
74.64.010	AMD	201	7022	82.03.020	AMD	174	1
74.66.010	AMD	201	7023	82.03.030	AMD	174	2
74.66.020	AMD	63	2	82.03.040	AMD	174	3
76.04	ADD	172	1	82.03.050	AMD	174	4
76.04.610	AMD	299	912	82.03.060	AMD	174	5
77	ADD	236	904	82.03.080	AMD	174	7
77.12	ADD	212	1	82.03.100	AMD	174	10
77.12	ADD	258	2	82.03.120	AMD	174	12
77.12.047	AMD	179	10	82.03.140	AMD	174	13
77.12.203	AMD	299	913	82.03.150	AMD	174	14
77.12.453	AMD	235	14	82.03.160	AMD	174	15
77.15.460	AMD	168	1	82.03.170	AMD	174	16
77.32	ADD	90	1	82.04	ADD	102	2
77.32.237	AMD	168	2	82.04.260	AMD	164	3
77.32.238	REP	168	3	82.04.4483	REP	22	14

RCW SECTIONS AFFECTED BY 2018 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
82.08	ADD	275	9	90.90.050	AMD	72	2
82.08.875	AMD	130	3				
82.08.900	AMD	164	4				
82.08.962	AMD	164	5				
82.12.875	AMD	130	4				
82.12.900	AMD	164	6				
82.12.962	AMD	164	7				
82.14.045	AMD	53	1				
82.16.0421	AMD	146	2				
82.19.040	AMD	299	915				
82.23B.010	REMD	262	102				
82.23B.020	AMD	262	103				
82.29A.135	AMD	164	9				
82.45.010	AMD	221	1				
82.45.010	AMD	223	3				
84.36.049	AMD	103	2				
84.36.381	AMD	46	2				
84.36.635	AMD	164	8				
84.48.150	AMD	24	1				
84.52	ADD	266	305				
84.52.053	AMD	266	306				
84.52.0531	AMD	266	307				
84.52.065	AMD	295	1				
84.52.069	AMD	136	1				
84.55.050	AMD	46	3				
86.26.007	AMD	299	917				
88.16	ADD	107	1				
88.16.035	AMD	107	3				
88.16.061	AMD	107	13				
88.16.061	AMD	297	701				
88.16.070	AMD	107	4				
88.16.120	AMD	107	5				
88.16.130	AMD	107	6				
88.46	ADD	262	202,204				
88.46.060	AMD	262	201				
88.46.167	AMD	262	205				
88.46.220	AMD	262	203				
90	ADD	1	201-208				
			301				
90.03.247	AMD	1	302				
90.03.290	AMD	1	303				
90.48	ADD	179	4				
90.50A.030	AMD	152	1				
90.56	ADD	262	302,305				
90.56.210	AMD	262	301				
90.56.240	AMD	262	303				
90.56.335	AMD	22	15				
90.56.500	AMD	299	918				
90.56.569	AMD	262	304				
90.90.030	AMD	72	1				

UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 2018 STATUTES

LAWS 2007			LAWS 2018		313	203	AMD	297	203
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	313	204	AMD	297	204
229	17	REP	178	2	313	205	AMD	297	205
LAWS 2008			LAWS 2018		313	206	AMD	297	206
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	313	207	AMD	297	207
209	2	REP	178	2	313	208	AMD	297	208
LAWS 2009			LAWS 2018		313	209	AMD	297	209
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	313	210	AMD	297	210
267	9	REP	178	2	313	211	AMD	297	211
518	25	REP	178	2	313	212	AMD	297	212
LAWS 2010			LAWS 2018		313	213	AMD	297	213
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	313	214	AMD	297	214
164	13	REP	178	2	313	215	AMD	297	215
LAWS 2013			LAWS 2018		313	216	AMD	297	216
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	313	217	AMD	297	217
182	11	REP	232	12	313	218	AMD	297	218
LAWS 2016			LAWS 2018		313	219	AMD	297	219
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	313	220	AMD	297	220
68	2	AMD	256	1	313	221	AMD	297	221
217	1	AMD	103	1	313	222	AMD	297	222
LAWS 2016 1ST SP.S.			LAWS 2018		313	223	AMD	297	223
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	313	301	AMD	297	301
35	1012	AMD	298	1016	313	302	AMD	297	302
LAWS 2017			LAWS 2018		313	303	AMD	297	303
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	313	304	AMD	297	304
15	1	AMD	273	1	313	305	AMD	297	305
15	2	REP	273	2	313	306	AMD	297	306
15	3	REP	273	2	313	307	AMD	297	307
15	4	REP	273	2	313	308	AMD	297	308
15	5	REP	273	2	313	309	AMD	297	309
15	6	REP	273	2	313	310	AMD	297	310
15	8	REP	273	2	313	311	AMD	297	311
288	5	REP	297	703	313	312	AMD	297	312
290	2	AMD	299	921	313	401	AMD	297	401
313		ADD	297	106	313	402	AMD	297	402
313		ADD	297	108	313	404	AMD	297	403
313		ADD	297	109	313	406	AMD	297	404
313		ADD	297	702	313	407	AMD	297	405
313	101	AMD	297	101	313	408	AMD	297	406
313	102	AMD	297	107	313	601	AMD	297	601
313	103	AMD	297	102	313	606	AMD	297	602
313	105	AMD	297	103	LAWS 2017 3RD SP.S.		LAWS 2018		
313	106	AMD	297	104	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
313	108	AMD	297	105	1		ADD	299	703
313	202	AMD	297	202	1		ADD	299	704
					1		ADD	299	711
					1		ADD	299	712
					1		ADD	299	714
					1		ADD	299	717
					1		ADD	299	718
					1		ADD	299	907

UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 2018 STATUTES

1		ADD	299	925	1	204	AMD	299	204
1	101	AMD	299	101	1	205	AMD	299	205
1	102	AMD	299	102	1	206	AMD	299	206
1	103	AMD	299	103	1	207	AMD	299	207
1	104	AMD	299	104	1	208	AMD	299	208
1	105	AMD	299	105	1	209	AMD	299	209
1	106	AMD	299	106	1	210	AMD	299	210
1	107	AMD	299	107	1	211	AMD	299	211
1	108	AMD	299	108	1	212	AMD	299	212
1	110	AMD	299	109	1	213	AMD	299	213
1	111	AMD	299	110	1	214	AMD	299	214
1	112	AMD	299	111	1	215	AMD	299	215
1	113	AMD	299	112	1	216	AMD	299	216
1	114	AMD	299	113	1	217	AMD	299	217
1	115	AMD	299	114	1	218	AMD	299	218
1	116	AMD	299	115	1	219	AMD	299	219
1	117	AMD	299	116	1	220	AMD	299	220
1	118	AMD	299	117	1	221	AMD	299	221
1	119	AMD	299	118	1	222	AMD	299	222
1	120	AMD	299	119	1	223	AMD	299	223
1	121	AMD	299	120	1	301	AMD	299	301
1	122	AMD	299	121	1	302	AMD	299	302
1	123	AMD	299	122	1	303	AMD	299	303
1	124	AMD	299	123	1	304	AMD	299	304
1	125	AMD	299	124	1	305	AMD	299	305
1	126	AMD	299	125	1	306	AMD	299	306
1	127	AMD	299	126	1	307	AMD	299	307
1	128	AMD	299	127	1	308	AMD	299	308
1	129	AMD	299	128	1	309	AMD	299	309
1	130	AMD	299	129	1	310	AMD	299	310
1	131	AMD	299	130	1	311	AMD	299	311
1	132	AMD	299	131	1	401	AMD	299	401
1	133	AMD	299	132	1	402	AMD	299	402
1	134	AMD	299	133	1	501	AMD	299	501
1	135	AMD	299	134	1	502	AMD	299	502
1	136	AMD	299	135	1	503	AMD	299	503
1	137	AMD	299	136	1	504	AMD	299	504
1	138	AMD	299	137	1	505	AMD	299	505
1	139	AMD	299	138	1	506	AMD	299	506
1	140	AMD	299	139	1	507	AMD	299	507
1	141	AMD	299	140	1	508	AMD	299	508
1	142	AMD	299	141	1	509	AMD	299	509
1	143	AMD	299	142	1	510	AMD	299	510
1	144	AMD	299	143	1	511	AMD	299	511
1	145	AMD	299	145	1	512	AMD	299	512
1	147	AMD	299	146	1	513	AMD	299	513
1	148	AMD	299	144	1	514	AMD	299	514
1	149	AMD	299	147	1	515	AMD	299	515
1	150	AMD	299	148	1	516	AMD	299	516
1	201	AMD	299	201	1	518	AMD	299	517
1	202	AMD	299	202	1	519	AMD	299	518
1	203	AMD	299	203	1	520	AMD	299	519

UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 2018 STATUTES

1	605	AMD	299	601	4	3043	REP	2	3001
1	606	AMD	299	602	4	3059	REP	2	3001
1	607	AMD	299	603	4	3072	AMD	298	3049
1	608	AMD	299	604	4	3120	AMD	2	3086
1	609	AMD	299	605	4	3134	REP	2	3094
1	610	AMD	299	606	4	5011	AMD	298	5001
1	611	AMD	299	607	4	5016	AMD	298	5006
1	612	AMD	299	608	4	5048	AMD	298	5015
1	613	AMD	299	609	4	5076	AMD	298	5027
1	614	AMD	299	610	28	605	AMD	92	2
1	615	AMD	299	611					
1	616	AMD	299	612		LAWS 2018			LAWS 2018
1	617	AMD	299	613	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
1	618	AMD	299	614		9	AMD	10	4
1	619	AMD	299	615	2		ADD	298	1012
1	620	AMD	299	616	2		ADD	298	1015
1	701	AMD	299	701	2		ADD	298	1023
1	703	AMD	299	702	2		ADD	298	1030
1	708	AMD	299	705	2		ADD	298	1031
1	718	AMD	299	715	2		ADD	298	1032
1	718	AMD	299	716	2		ADD	298	1035
1	720	AMD	299	706	2		ADD	298	2006
1	721	AMD	299	707	2		ADD	298	2007
1	722	AMD	299	708	2		ADD	298	2011
1	723	AMD	299	709	2		ADD	298	2016
1	724	AMD	299	713	2		ADD	298	2018
1	726	AMD	297	501	2		ADD	298	2019
1	727	AMD	297	502	2		ADD	298	2020
1	728	AMD	297	503	2		ADD	298	2021
1	729	AMD	297	504	2		ADD	298	2023
1	730	AMD	297	505	2		ADD	298	2024
1	731	AMD	297	506	2		ADD	298	2026
1	732	AMD	297	507	2		ADD	298	2027
1	733	AMD	297	508	2		ADD	298	2031
1	735	AMD	297	509	2		ADD	298	3002
1	736	AMD	297	510	2		ADD	298	3003
1	737	REP	299	710	2		ADD	298	3004
1	801	AMD	299	801	2		ADD	298	3009
1	805	AMD	299	802	2		ADD	298	3010
1	936	AMD	299	902	2		ADD	298	3012
1	937	AMD	299	903	2		ADD	298	3043
1	942	AMD	299	904	2		ADD	298	3046
1	944	AMD	299	906	2		ADD	298	3047
1	995	AMD	297	201	2		ADD	298	3048
4	1003	AMD	298	1003	2		ADD	298	3051
4	1017	AMD	2	1012	2		ADD	298	3055
4	1021	AMD	298	1013	2		ADD	298	3056
4	1028	AMD	66	4	2		ADD	298	3060
4	1040	AMD	2	1024	2		ADD	298	3061
4	1048	AMD	298	1024	2		ADD	298	3063
4	1048	AMD	2	1029	2		ADD	298	3064
4	2001	AMD	2	2003	2		ADD	298	3065

UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 2018 STATUTES

2		ADD	298	3066	2	2026	AMD	298	2015
2		ADD	298	5009	2	2030	REP	298	2017
2		ADD	298	5012	2	2031	AMD	298	2022
2		ADD	298	5014	2	2042	AMD	298	2025
2		ADD	298	5016	2	2046	AMD	298	2028
2		ADD	298	5019	2	2047	AMD	298	2029
2		ADD	298	5021	2	2054	AMD	298	2030
2		ADD	298	5038	2	3010	AMD	298	3001
2		ADD	298	5039	2	3015	AMD	298	3006
2		ADD	298	5040	2	3018	AMD	298	3007
2		ADD	298	7004	2	3021	AMD	298	3005
2		ADD	298	7011	2	3025	AMD	298	3008
2		ADD	298	7012	2	3027	AMD	298	3011
2		ADD	298	7015	2	3029	AMD	298	3013
2	1005	AMD	298	1001	2	3030	AMD	298	3014
2	1006	AMD	298	1002	2	3031	AMD	298	3015
2	1011	AMD	298	1014	2	3032	AMD	298	3016
2	1016	AMD	298	1004	2	3033	AMD	298	3017
2	1017	AMD	298	1005	2	3034	AMD	298	3018
2	1018	AMD	298	1006	2	3035	AMD	298	3019
2	1020	AMD	298	1007	2	3036	AMD	298	3020
2	1021	AMD	298	1008	2	3037	AMD	298	3021
2	1022	AMD	298	1009	2	3038	AMD	298	3022
2	1023	AMD	298	1010	2	3039	AMD	298	3023
2	1025	AMD	298	1011	2	3040	AMD	298	3024
2	1026	AMD	298	1017	2	3044	AMD	298	3025
2	1027	AMD	298	1018	2	3045	AMD	298	3026
2	1030	REP	298	1020	2	3046	AMD	298	3027
2	1031	AMD	298	1019	2	3047	AMD	298	3028
2	1032	AMD	298	1022	2	3048	AMD	298	3029
2	1033	REP	298	1021	2	3049	AMD	298	3030
2	1036	AMD	298	1034	2	3051	AMD	298	3031
2	1040	AMD	298	1025	2	3055	AMD	298	3032
2	1041	AMD	298	1026	2	3056	AMD	298	3033
2	1042	AMD	298	1027	2	3057	AMD	298	3034
2	1043	AMD	298	1028	2	3058	AMD	298	3035
2	1045	AMD	298	1029	2	3059	AMD	298	3036
2	1049	AMD	298	1033	2	3060	AMD	298	3037
2	1050	AMD	298	1036	2	3061	AMD	298	3038
2	1051	AMD	298	1037	2	3062	AMD	298	3039
2	1052	AMD	298	1038	2	3063	AMD	298	3040
2	2001	AMD	298	2001	2	3064	AMD	298	3041
2	2002	AMD	298	2002	2	3065	AMD	298	3042
2	2006	AMD	298	2003	2	3067	AMD	298	3044
2	2008	AMD	298	2004	2	3068	AMD	298	3045
2	2009	AMD	298	2005	2	3075	AMD	298	3050
2	2012	AMD	298	2008	2	3091	AMD	298	3052
2	2013	AMD	298	2009	2	3092	AMD	298	3053
2	2014	AMD	298	2010	2	3107	AMD	298	3054
2	2021	AMD	298	2012	2	3119	AMD	298	3057
2	2024	AMD	298	2013	2	3122	AMD	298	3058
2	2025	AMD	298	2014	2	3123	AMD	298	3059

UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 2018 STATUTES

2	3132	AMD	298	3062
2	3135	AMD	298	3067
2	4001	AMD	298	4001
2	4002	AMD		13
2	5002	AMD	298	5002
2	5006	AMD	298	5003
2	5007	AMD	298	5004
2	5008	AMD	298	5005
2	5009	AMD	298	5008
2	5010	AMD	298	5007
2	5015	AMD	298	5010
2	5016	AMD	298	5011
2	5021	AMD	298	5013
2	5051	AMD	298	5017
2	5053	AMD	298	5018
2	5057	AMD	298	5020
2	5058	AMD	298	5022
2	5059	AMD	298	5023
2	5060	AMD	298	5024
2	5061	AMD	298	5025
2	5062	AMD	298	5026
2	5063	AMD	298	5028
2	5064	AMD	298	5029
2	5065	AMD	298	5030
2	5066	AMD	298	5031
2	5067	AMD	298	5032
2	5068	AMD	298	5033
2	5070	AMD	298	5034
2	5071	AMD	298	5035
2	5072	AMD	298	5036
2	5073	AMD	298	5037
2	5075	AMD	298	5041
2	7001	AMD	298	7001
2	7002	AMD	298	7002
2	7007	AMD	298	7006
2	7017	AMD	298	7007
2	7022	AMD	298	7003
2	7024	AMD	298	7008
2	7026	AMD	298	7009
2	7028	AMD		9
2	7028	AMD	298	7010

SUBJECT INDEX OF 2018 STATUTES

Chapter

ABORTION

Abortion services, health plan coverage 119

ACCOUNTANTS AND ACCOUNTING

Firms, in British Columbia, services for associated state entities 224
Marijuana, businesses, accounting services for, authorizing 68

ACCOUNTS (See PUBLIC FUNDS AND ACCOUNTS)

ACTIONS AND PROCEEDINGS (See also CIVIL PROCEDURE; REAL ESTATE AND REAL PROPERTY)

Arbitration of civil actions, procedures, fees, arbitrators 36
Nuisances, abandoned residential property in mid-foreclosure, abatement 306

ADMINISTRATIVE HEARINGS, OFFICE

Interpreters, spoken language services 253

ADOPTION

Adoption support and related services, forecasting and budgeting, when 208

ADVANCED COLLEGE TUITION PAYMENT (GET) PROGRAM

Tuition units, redemption and transfer to Washington college savings plan 188

AFRICAN-AMERICAN AFFAIRS, COMMISSION

Duties, advising legislature 143

AGRICULTURE (See also AGRICULTURE, DEPARTMENT; FARMS AND FARMING; FOOD AND FOOD PRODUCTS; LIVESTOCK; WATER RIGHTS)

Apple maggot quarantine areas, outdoor burning in 147
Chavez, Cesar, recognizing March thirty-first as Cesar Chavez day 307
Fairs, state allocations for, including categories eligible for, modifications 280
Hops, export documents, grower lot numbers/lab results, disclosure exemption 170
Labor, agricultural, behavioral health and suicide prevention pilot program 95
Labor, agricultural, behavioral health and suicide prevention task force, convening 95
Labor, agricultural, pesticide application safety work group, establishing 108
Produce, federal safety rule, implementation process and records 106
Seed, certification fees, use of 233
Transporters, agricultural, planting/harvesting seasons, federal exemption purposes 33

AGRICULTURE, DEPARTMENT (See also AGRICULTURE; FOOD AND FOOD PRODUCTS)

Fairs commission, terms and duties of members 280
Food safety and security act, creating, department role 236
Food safety and security, intrastate, new chapter concerning, department role 236
Hops, department export documents, certain information, disclosure exemption 170
Produce, federal safety rule, implementation process, department role 106
Produce, federal safety rule, voluntary compliance program, department role 106
School meals, farm-to-school and small farm direct marketing programs 8
Seed, certification fees, use of, department role 233

AIR QUALITY AND POLLUTION

Burning, outdoor, in apple maggot quarantine areas 147
Pollution control facility programs and activities, port district funds for 148

ALCOHOL AND DRUG ABUSE (See also ALCOHOLIC BEVERAGES; DRUGS)

Behavioral health and suicide prevention, agricultural workers, pilot program 95
Behavioral health and suicide prevention, agricultural workers, task force on 95
Behavioral health authority, designation of state, transfer to health care authority 201
Behavioral health services, assisted outpatient behavioral health treatment 291
Behavioral health, certain DSHS functions, transferring to department of health 201
Higher education, behavioral health and suicide prevention, approaches 293
Substance use disorder, assisted outpatient mental health treatment to include 291

SUBJECT INDEX OF 2018 STATUTES

ALCOHOL AND DRUG ABUSE - con't.	Chapter
Substance use disorder, drug court recovery support for, using certain funds for	205
ALCOHOLIC BEVERAGES (See also ALCOHOL AND DRUG ABUSE)	
Licenses, alcohol manufacturer, ancillary activities violations, penalties	25
Storage of alcoholic beverages, by food storage warehouse, license exemption	96
ANIMALS (See also HORSES; WILDLIFE)	
Service animal, definition	176
Service animals, misrepresenting animals as, civil infraction	176
APPRENTICES AND APPRENTICESHIP PROGRAMS (See also WORKER TRAINING AND WORKFORCE NEEDS)	
Electrician certificates of competency, journey level, apprenticeship requirement	249
Pre- and registered apprenticeship opportunities, for high school students	228
Public works, certain contracts, apprentice utilization requirements for	244
Youth, foster or homeless, passport to apprenticeship opportunities program	232
Youth, foster or homeless, passport to careers program, creating	232
ASIAN PACIFIC AMERICAN AFFAIRS, STATE COMMISSION	
Duties, advising legislature	143
ATTORNEY GENERAL (See also CIVIL PROCEDURE)	
Credit reports, consumer security freeze modifications, evaluating, AG role	54
Criminal record, employer prematurely asking applicant about, AG enforcement	38
Medicaid fraud control unit, establishing in AG office	238
Medicaid, false claims, penalties and recoveries, increasing, AG role	63
ATTORNEYS (See also ATTORNEY GENERAL; CIVIL LEGAL AID, OFFICE; CIVIL PROCEDURE; COURTS; CRIMINAL PROCEDURE; PUBLIC DEFENSE, OFFICE)	
Limited license legal technicians, fees and role in domestic violence cases	84
Prosecutor impeachment list, peace officers on, punishment due to, prohibiting	265
AUDITORS AND AUDITING	
County auditors, document-recording surcharges, deposit and use of revenues	66, 85
Election reconciliation reports, county auditors, duties of	218
BICYCLES	
Electric-assisted bicycles, definitions, requirements, and use of	60
BLIND (See also BLIND, STATE SCHOOL FOR THE; DISABILITIES, INDIVIDUALS WITH)	
Aged, blind, or disabled assistance program, when essential needs program-eligible	48
Service animal, definition	176
Service animals, misrepresenting animals as, civil infraction	176
BLIND, STATE SCHOOL FOR THE (See also BLIND; SCHOOLS AND SCHOOL DISTRICTS)	
Certificated employee salaries, local school district basis for	266
BOATS AND BOATING (See also COMMERCIAL VESSELS AND SHIPPING; FERRIES)	
Paints and coatings, copper-containing antifouling, phasing out and replacing	94
BOILERS AND UNFIRED PRESSURE VESSELS	
Miniature hobby boilers, exemption from certain requirements	259
BONDS	
General obligation bonds, for capital and operating budget and other projects	3
Lost or destroyed bonds, state treasurer role	35
Tacoma Narrows bridge, debt service repayment, role of nontoll sources	195

SUBJECT INDEX OF 2018 STATUTES

Chapter

BUDGETS (See also BONDS; ECONOMIC AND REVENUE FORECAST COUNCIL; PUBLIC FUNDS AND ACCOUNTS)

Capital, 2017-2019	2
Capital, general obligation bonds for projects	3
Capital, supplemental, 2017-2019	298
Children, core state services, forecasting/budgeting as maintenance-level costs	208
Operating, funding school employee paid sick leave via appropriations in	266
Operating, general obligation bonds for projects	3
Operating, supplemental, 2017-2019	299
Transportation, supplemental 2017-2019	297

BUILDING CODE COUNCIL (See also BUILDING CODES AND PERMITS)

Composite and laminated timber products, in building construction, rule making	29
Council members, provisions concerning	207
Council, administration and operations of, legislative task force on, establishing	207
Enterprise services, department of, expanding role in council operations	207
Laminated and composite timber products, in building construction, rule making	29
Mass timber products, in building construction, council rule making	29
Rule adoption and procedures, provisions	207

BUILDING CODES AND PERMITS (See also BUILDING CODE COUNCIL; CONTRACTORS; ELECTRICIANS; HOMES AND HOUSING)

Building permits, applications, adequate water supply evidence	1
Building permits, residential and commercial, fees deposit in certain account	207
Codes, adoption and procedures, provisions	207
Composite and laminated timber products, in building construction	29
Laminated and composite timber products, in building construction	29
Mass timber products, in building construction	29
Residential buildings, single-family, minimum dimensions of habitable spaces	302
Wildland urban interface code, international, adoption	189

BUSINESSES (See also AGRICULTURE; ALCOHOLIC BEVERAGES; COMPUTERS; CONSUMER PROTECTION; CONTRACTORS; CORPORATIONS; CRIMES; FARMS AND FARMING; FIREARMS; INSURANCE; MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE; MOTOR VEHICLES; PROFESSIONS; REAL ESTATE AND REAL PROPERTY; SALES; TAXES - LODGING TAX; TOWING AND TOW TRUCKS; TRANSPORTATION)

Armored car services, serving marijuana businesses, authorizing	68
Cannabidiol products, as additive in marijuana products	132
Child care, impact of accessibility, child care collaborative task force, convening	91
Consumer reporting agencies, fee for security freezes, prohibiting	54
Credit reports, consumer security freezes, prohibiting fee for	54
Electrolytic processing, electricity sales to, public utility tax exemption, extending	146
Food storage warehouses, storing alcoholic beverages, licensure exemption	96
Food units, mobile, exemption from commissary/servicing area regulations	167
Marijuana, businesses, accounting services for, authorizing	68
Marijuana, businesses, armored car services for, authorizing	68
Marijuana, businesses, financial institution services for, authorizing	68
Marijuana, processors, license fee, revising	132
Marijuana, producers, license fee, revising	132
Marijuana, retail product container, business or trade name and UBI requirements	43
Marijuana, retailers, license fee, revising	132
Voting systems, manufacturers and distributors of, security breach disclosure	218

CASELOAD FORECAST COUNCIL

Adoption support services, forecasting and budgeting, council role, when	208
Child abuse or neglect, screened-in reports of, council forecasting of	208
Child protective services, forecasting and budgeting, council role, when	208
Children, core state services for, forecasting and budgeting, council role, when	208
Foster care services, forecasting and budgeting, council role, when	208
Foster youth behavioral rehabilitation services, forecasting, council role	208

SUBJECT INDEX OF 2018 STATUTES

Chapter

CHIEF INFORMATION OFFICER, OFFICE OF THE STATE

- Cybersecurity, office of, credit report security freeze modifications, evaluating 54
- Privacy and data protection, office of, credit report security freeze changes, evaluating. . . 54

CHILD CARE (See also CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT)

- Background checks, on child care workers, clearance renewal and fees 59
- Child care collaborative task force, convening 91
- Early childhood education and assistance program, eligibility of homeless children . . . 155
- Providers, child care, trauma-informed care, advisory group and training. 231
- Seasonal child care, transferring all DSHS duties to DCYF. 52
- Trauma-informed care, advisory group and provider training 231
- Working connections child care, transferring all DSHS duties to DCYF. 52

CHILDHOOD DEAFNESS AND HEARING LOSS, CENTER FOR (See also DEAF; SCHOOLS AND SCHOOL DISTRICTS)

- Certificated employee salaries, local school district basis for 266

CHILDREN (See also ABORTION; ADOPTION; CHILD CARE; CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT; DOMESTIC RELATIONS; FOSTER CARE; JUVENILE COURT AND JUVENILE OFFENDERS; MENTAL HEALTH; PUBLIC ASSISTANCE; SCHOOLS AND SCHOOL DISTRICTS; SEX OFFENSES AND OFFENDERS; SOCIAL AND HEALTH SERVICES, DEPARTMENT; VICTIMS OF CRIMES)

- Abuse or neglect, family assessment response, provisions. 77
- Abuse or neglect, forensic interview audio or video recordings. 171
- Abuse or neglect, screened-in reports of, caseload forecasting of 208
- Child protective services, forecasting and budgeting, when. 208
- Child welfare services, network administrators, expanding coverage area of 284
- Child welfare services, supervising agency requirement, eliminating 284
- Children, youth, and families, department of, office of innovation, alignment, and accountability, duties. 208
- Conversion therapy, practicing on minor, as provider unprofessional conduct, when . . 300
- Disabilities, children from birth to 2, early intervention services funding model 261
- Disabilities, children with, expanding access to baby and child dentistry program . . . 156
- Dreamers/deferred action for childhood arrivals, as residents for college financial aid 204
- Dyslexia advisory council, convening 75
- Dyslexia, as learning disability, school screening and interventions 75
- Eating disorders, children and youth, treatment data 175
- Homeless children, early childhood education and assistance program eligibility. . . . 155
- Homeless or foster youth, passport to careers program, creating 232
- Homeless youth prevention and protection programs, office of, duties and role of. . . 157
- Homeless youth, passport to apprenticeship opportunities program, creating 232
- Homeless, 13 or older, personally identifying information, consent for collecting of . . . 15
- Interviews, forensic, when child abuse or neglect, audio or video recordings 171
- Mental health work group, children's, establishing 175
- Neglect, forensic interview audio or video recordings 171
- Newborns, safe surrender at health care facilities, information concerning 182
- Opportunities, education/sports/employment, association of WA generals role 67
- Parentage act, uniform, concerning parentage and surrogacy agreements 6
- Sports mentoring program, for underserved youth, establishing 67
- Visitation, by relatives, petitioning the court 183
- Youth, discharge from publicly funded care system into homelessness, preventing . . . 157

CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT (See also CHILD CARE)

- Child care providers, trauma-informed care, advisory group and training 231
- Child care workers, background check clearance renewal and fees 59
- Child care, working connections and seasonal, transferring DSHS duties to DCYF 52
- Child welfare services, kinship caregivers, legal representation for, DCYF role. 80
- Child welfare services, network administrators, expanding coverage area of 284
- Child welfare services, supervising agency requirement, eliminating 284
- Children and family services, behavioral rehabilitation services rates, work group. . . . 208
- Children, core state services for, forecasting and budgeting, DCYF role, when 208

SUBJECT INDEX OF 2018 STATUTES

CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT - con't.

Chapter

Children, newborn, safe surrender at health care facilities, DCYF role	182
Disabilities, children birth to 2, early intervention services funding, DCYF role	261
Early childhood education and assistance program, eligibility of homeless children	155
Early learning, provider background checks, clearance renewal and fees	59
Foster children and homes, most recent caseload forecasts, DCYF to review	208
Foster children and youth, best-interest determinations and school district liaisons	139
Foster children, care needs of, single validated tool to assess, DCYF role	208
Foster parents, rights and responsibilities list, DCYF to provide to	51
Home visiting services, clarifying differences between approaches, DCYF role.	175
Home visiting services, medicaid funding for, leveraging, DCYF role	175
Interpreters, spoken language services, purchasing from certain providers	253
Juvenile rehabilitation facilities, identicards for offenders when releasing from	157
Juvenile rehabilitation facilities, residential custody services for tribal youth	31
Technical changes to department statutes, extensive	58
Trauma-informed care, advisory group and provider training, DCYF role	231
Youth, discharge from publicly funded care system into homelessness, preventing, DCYF role	157

CITIES AND TOWNS (See also BUILDING CODES AND PERMITS; ELECTIONS; GROWTH MANAGEMENT; HOMES AND HOUSING; LAW ENFORCEMENT AND LAW ENFORCEMENT OFFICERS; LOCAL GOVERNMENT; PUBLIC WORKS; ROADS AND HIGHWAYS; TAXES - LODGING TAX; UTILITIES)

Contracting and contractors, unit-priced, city authority to use	74
Electrician licensing/certification rules, state, city and town enforcement, when	240
Highways, state, city/town additional responsibilities for streets that are, when	100
Nuisance abatement, abandoned residential property in mid-foreclosure	306
Surplus public property, transfer, lease, or disposal for public benefit.	217
Wildland urban interface areas, establishing, DNR technical assistance for	189

CIVIL LEGAL AID, OFFICE

Child welfare services, kinship caregivers, legal representation for, office role	80
Low-income/indigent persons, roles of office and oversight committee	21

CIVIL PROCEDURE (See also ACTIONS AND PROCEEDINGS; ATTORNEY GENERAL; CRIMINAL PROCEDURE; JUDGES; JUDGMENTS)

Arbitration of civil actions, procedures, fees, arbitrators	36
Discrimination, noneconomic damages, claimant's health not at issue, exceptions.	70
Employment contracts, with cause of action waiver, void and unenforceable, when	120
Interviews, child forensic, audio or video recordings of, protective order for	171
Sexual assault or harassment, nondisclosure requirement, unenforceability, when	118

COLLECTIVE BARGAINING (See also LABOR; PUBLIC EMPLOYMENT AND EMPLOYEES; PUBLIC EMPLOYMENT RELATIONS COMMISSION)

Agreements, establishing prevailing rate of wage through	248
Bargaining unit representatives, access to new employees.	250
Community and technical college employees, compensation.	267
In-home care, individual providers contracting with DSHS.	278
Language access providers of spoken language interpreter services	253
Port districts, including professional employees in "employee" for bargaining	251
Port districts, professional and supervisory personnel, to be in separate units.	251
School districts, bargaining and salaries, additional modifications	266
State patrol, trooper and sergeant salaries, competitive, relation to bargaining	140
Unfair labor practices, deadline for claims in superior court	252
Union security provisions, dues/fees deduction without written authorization, when	247

COLLEGES AND UNIVERSITIES (See also COLLECTIVE BARGAINING; COMMUNITY AND TECHNICAL COLLEGES)

Applicants for admission, criminal history of, requirements and procedures.	83
Athletic programs, intercollegiate, expenditure approval in public meetings, when	292
Behavioral health and suicide prevention, statewide resource for	293
Cambridge international exams, credit policy for	124

SUBJECT INDEX OF 2018 STATUTES

COLLEGES AND UNIVERSITIES - con't.

Chapter

Capital budget projects, bond proceeds for	3
Closures, of degree-granting institutions, SAC tuition recovery trust fund, creating	203
College savings program, Washington, transfer of tuition units to, when	188
Complaints, student complaint portal, creating	203
Course materials, open educational resources grant pilot program	268
Employees, employed by multiple educational institutions, unemployment benefits	97
Faculty, new, collective bargaining unit representative access to	250
Faculty, unfair labor practices against, deadline for claims in superior court	252
Fees, services and activities, without reference to tuition	202
Financial aid, college bound scholarship program, pledge options	12
Financial aid, college bound scholarship, expanding "resident student" definition	204
Financial aid, education loan debt, opportunity, assistance, and relief for	199
Financial aid, loan disbursement via servicer or financial institution	13
Financial aid, loan servicers and advocate, student education loan bill of rights	62
Financial aid, medical student loan program, establishing	209
Financial aid, opportunity scholarship, for health professional advanced degrees	209
Financial aid, opportunity scholarship, requirements and residency	204
Financial aid, practices of certain institutions, student protections	203
Financial aid, student support pathways account, for professional-technical programs	114
Financial aid, third-party student loan modification	62
Financial aid, various programs, "resident student" to include deferred action status	204
Financial aid, various programs, certain noncitizens as "residents" for	204
Financial aid, various programs, residency requirements alignment	204
Financial aid, WA world fellows program, association of WA generals role	67
For-profit institutions and private vocational schools, study of, continuing	203
For-profit institutions, unfair practices, student ombuds, and requirements	203
Freedom of expression/speech, in student media, including civil action for relief	125
International baccalaureate exams, credit policy for	124
Medical students, loan program, for rural/underserved physician workforce	209
Medical students, opportunity scholarship program to include	209
Mental health and suicide prevention, recommendations by task force	293
Students, homeless or foster youth, passport to careers program, creating	232
Students, homeless, passport to college promise program eligibility for	232
Suicide prevention and behavioral health, comprehensive approach	293
Suicide prevention in higher education grant program, establishing	293
Textbooks, open educational resources grant pilot program	268
Tuition and fees, transfer of certain units to college savings program	188
Tuition/fees, certain noncitizens and "residents" for	204
Tuition/fees, waiver, veteran/national guard child or spouse, stipend for, when	129
U. of Washington, psychiatry and behavioral sciences, access line for moms/kids	288
U. of Washington, psychiatry, child and adolescent psychiatry residency positions	175
U. of Washington, school of social work, behavioral health/suicide prevention and work group role	293
U. of Washington, telehealth services, telemedicine collaborative, duties	283
U. of Washington, telehealth services, telemedicine collaborative, extending	256
Unfair practices, by degree-granting institutions, violations and penalties	203
Veterans, attending colleges, enhanced suicide prevention services	293
Washington State U., college of medicine, in family medicine residency network	93
Washington State U., energy program, sustainable renewable natural gas	164

COMMERCE, DEPARTMENT (See also COMMUNITY ECONOMIC REVITALIZATION BOARD)

Achieving a better life experience program, Washington, expenses of, funds for	76
Achieving a better life experience program, Washington, individual accounts	76
Child care collaborative task force, convening, department role	91
Crime victims advocacy, office, crime victim certification steering committee	86
Crime victims advocacy, office, sexual assault nurse examiner practices/training	88
Homeless housing strategic plan, requirements, department role	85
Homeless youth prevention and protection programs, office of, duties/role	157, 232
Landlord mitigation program, creating, department role	66
Natural gas, renewable methane-rich, sustainable development/standards, DOC role	164

SUBJECT INDEX OF 2018 STATUTES

COMMERCE, DEPARTMENT - con't.

Chapter

Surplus state real property, for affordable housing, inventory of, department role 217

COMMERCIAL VESSELS AND SHIPPING (See also BOATS AND BOATING; HAZARDOUS MATERIALS; OIL AND GAS)

Oil transport, spill contingency plans, management, and emergency response 262
Tariffs, pilotage, board duty to establish, transferring to UTC 107
Vessel traffic and safety, in certain marine waters, report of 262
Waterways, cross-boundary, Salish Sea shared waters forum, establishing. 262

COMMUNITY AND TECHNICAL COLLEGES (See also COLLECTIVE BARGAINING; COLLEGES AND UNIVERSITIES)

Applicants for admission, criminal history of, requirements and procedures. 83
Behavioral health and suicide prevention, statewide resource for 293
Cambridge international exams, credit policy for. 124
Capital budget projects, bond proceeds for. 3
College savings program, Washington, transfer of tuition units to, when 188
Credentials, rural county high employer demand jobs program for earning 254
Employees, academic, additional compensation for 267
Employees, employed by multiple educational institutions, unemployment benefits 97
Employees, new academic, bargaining unit representative access to 250
Employees, unfair labor practices against, deadline for claims in superior court. 252
Faculty, additional compensation for 267
Fees, services and activities, without reference to tuition. 202
Financial aid, college bound scholarship program, pledge options 12
Financial aid, college bound scholarship, expanding "resident student" definition 204
Financial aid, education loan debt, opportunity, assistance, and relief for 199
Financial aid, loan disbursement via servicer or financial institution. 13
Financial aid, loan servicers and advocate, student education loan bill of rights 62
Financial aid, opportunity scholarship board, rural county jobs program role of. 254
Financial aid, opportunity scholarship, requirements and residency 204
Financial aid, student support pathways account, for professional-technical
programs 114
Financial aid, third-party student loan modification 62
Financial aid, various programs, certain noncitizens as "residents" for 204
Financial aid, various programs, residency requirements alignment 204
Freedom of expression/speech, in student media, including civil action for relief. 125
International baccalaureate exams, credit policy for. 124
Mental health and suicide prevention, recommendations by task force 293
Students, homeless or foster youth, passport to careers program, creating 232
Students, homeless, passport to college promise program eligibility for 232
Suicide prevention and behavioral health, comprehensive approach 293
Suicide prevention in higher education grant program, establishing 293
Tuition and fees, transfer of certain units to college savings program 188
Tuition/fees, certain noncitizens and "residents" for 204
Tuition/fees, waiver, veteran/national guard child or spouse, stipend for, when 129
Veterans, attending colleges, enhanced suicide prevention services 293

COMMUNITY ECONOMIC REVITALIZATION BOARD

Local infrastructure financing tool program, excess revenues, carrying forward. 178

COMPUTERS

Advanced placement computer science courses, as math equivalent 73
Broadband internet access services, consumer protections. 5
Internet services contracts, active duty military service member termination of 197
Internet, broadband access services, consumer protections 5

CONSERVATION

Marbled murrelet habitat conservation, reporting and committee concerning. 255

CONSTITUTION, U.S. (See also RELIGION AND RELIGIOUS ORGANIZATIONS)

19th amendment to U.S. constitution, centennial of, preparing to commemorate 98

SUBJECT INDEX OF 2018 STATUTES

Chapter

CONSUMER PROTECTION

Broadband internet access services, consumer protections	5
Credit reports, consumer security freezes, prohibiting fee for	54
Higher education institutions, unfair practices by	203
Military service members, active duty, terminating certain services contracts	197
Private vocational schools, unfair practices by	203
Student education loan bill of rights, loan servicing and modification	62

CONTRACTORS (See also ELECTRICIANS; PUBLIC WORKS)

State agency contractors, federal tax information access, background checks	19
---	----

CONVENTION AND TRADE CENTERS

King Co., convention center lodging tax, applying to premises with fewer units	245
--	-----

CORPORATIONS

Business corporation act, meetings under, revisions	55
Dental practices, permissible role of corporation in	210
Insurers, corporate governance annual disclosure	30
Nonprofit, association of Washington generals, expanding purpose of	67
Nonprofit, definition of, expanding for certain facilities financing	78
Nonprofit, low-income homeownership development, property tax exemption	103

CORRECTIONAL FACILITIES AND JAILS (See also CORRECTIONAL FACILITIES, DEPARTMENT OF; CRIMINAL OFFENDERS; LAW ENFORCEMENT AND LAW ENFORCEMENT OFFICERS; SEX OFFENSES AND OFFENDERS)

Cameras, body, worn by officers/jail personnel	285
Correctional facilities, bond proceeds for	3
Firefighters, at prison, transfer from PERS plan 2 or 3 to LEOFF plan 2	230
Inmates, pregnant or having given birth, doula or midwifery services for	41
Nursing care for offender populations, PSERS membership for providers, when	241
Ombuds, office of corrections, creating	270

CORRECTIONS, DEPARTMENT OF (See also CORRECTIONAL FACILITIES AND JAILS)

Cameras, body, worn by corrections officers	285
Offenders, graduated reentry program, partial confinement/home detention, DOC role	166
Ombuds, office of corrections, creating	270
Surplus real property, for affordable housing, inventory of, department role	217

COUNSELORS AND COUNSELING (See also HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH; PSYCHIATRY AND PSYCHIATRISTS; PSYCHOLOGISTS)

Mental health field response, law enforcement, using mental health professionals	142
Peer support counselors, privileged communications with law enforcement officers	165
School counselors and social workers, meeting student mental health needs	200

COUNTIES (See also AUDITORS AND AUDITING; BUILDING CODES AND PERMITS; COURTS; ELECTIONS; GROWTH MANAGEMENT; HOMES AND HOUSING; LOCAL GOVERNMENT; PUBLIC WORKS; TAXES - LODGING TAX)

Commissioners, election of, provisions	301
King, convention center lodging tax, applying to lodging premises with fewer units	245
Nuisance abatement, abandoned residential property in mid-foreclosure	306
Redistricting, noncharter counties, to include redistricting committees and elections	301
Rural county high employer demand jobs program, establishing	254
Wildland urban interface areas, establishing, DNR technical assistance for	189

COURTS (See also ACTIONS AND PROCEEDINGS; ATTORNEYS; CIVIL PROCEDURE; CRIMINAL PROCEDURE; JUDGES; JUVENILE COURT

SUBJECT INDEX OF 2018 STATUTES

COURTS - con't.

Chapter

AND JUVENILE OFFENDERS; ORDERS OF COURT; PUBLIC DEFENSE, OFFICE)

District courts, issuance of search warrant, jurisdictional requirements	50
Drug courts, using criminal justice treatment account funds for	205
Indigency, court imposition of costs on indigent defendant, prohibiting	269
Jurors, prospective, excluding due to protected class membership, prohibition.	23
Limited license legal technicians, fees and role in domestic violence cases	84
Municipal court, issuance of search warrant, jurisdictional requirements	50
Superior courts, unfair labor practice complaint filing in, statute of limitations	252
Therapeutic courts, drug courts, using criminal justice treatment account funds for	205

CRIMES (See also CRIMINAL JUSTICE TRAINING COMMISSION; CRIMINAL OFFENDERS; CRIMINAL PROCEDURE; DOMESTIC VIOLENCE; SENTENCING; SEX OFFENSES AND OFFENDERS; TRAFFIC OFFENSES; VICTIMS OF CRIMES)

Abuse or neglect of children, child forensic interview audio or video recordings	171
Abuse or neglect of children, screened-in reports of, caseload forecasting of	208
Firearms, bump-fire stocks for, prohibitions.	7
Harassment, domestic violence, convicted person firearm possession prohibition	234
Human trafficking, noncitizen victim U and T certifications	86
Reckless endangerment of work zone workers, by driver, gross misdemeanor	18

CRIMINAL JUSTICE TRAINING COMMISSION

Deadly force, law enforcement officer training relevant to, CJTC role	10
Deadly force, law enforcement officer training relevant to, I-940, CJTC role.	11
First aid, law enforcement officer training in and provision of, CJTC role	10
First aid, law enforcement officer training in and rendering of, I-940, CJTC role.	11
Hiring and continuing employment, lawful permanent residents, eligibility of.	32
Nonimmigrant visas, U and T, course of study related to, commission role	86
Training, law enforcement training and community safety act, I-940	11
Training, law enforcement training and community safety act, I-940, revising.	10
Training, mental health and violence de-escalation, CJTC rule making	10
Training, mental health and violence de-escalation, I-940, CJTC rule making	11

CRIMINAL OFFENDERS (See also CORRECTIONAL FACILITIES AND JAILS; CRIMES; CRIMINAL PROCEDURE; MENTAL HEALTH; ORDERS OF COURT; SENTENCING; SEX OFFENSES AND OFFENDERS; VICTIMS OF CRIMES)

Corrections ombuds, office of, creating	270
Criminal histories, of higher education applicants, requirements and procedures	83
Criminal record, employer prematurely asking applicant about, enforcement.	38
Graduated reentry program, partial confinement/home detention, when	166
Legal financial obligations, failure to pay not willful noncompliance, when.	269
Legal financial obligations, when offender is indigent.	269
Nursing care for offender populations, PSERS membership for providers, when	241
Restitution, payments during and after total confinement	123

CRIMINAL PROCEDURE (See also CORRECTIONAL FACILITIES AND JAILS; CRIMES; CRIMINAL OFFENDERS; LAW ENFORCEMENT AND LAW ENFORCEMENT OFFICERS; ORDERS OF COURT; PUBLIC DEFENSE, OFFICE; SENTENCING)

Cameras, body, worn by officers or jail or detention personnel	285
Counselors, peer support, privileged communications with	165
Home detention, pretrial, requirements and conditions	276
Indigency, court imposition of costs on indigent defendant, prohibiting	269
Interviews, child forensic, audio or video recordings of, protective order for	171
Pretrial release, discretionary conditions	276
Privileged communications, with peer support counselors, by certain officers	165
Restitution, payments during and after total confinement	123
Search warrant, issuance by district court judge, jurisdictional requirements	50
Search warrant, issuance by municipal court judge, jurisdictional requirements.	50

SUBJECT INDEX OF 2018 STATUTES

Chapter

DEAF (See also CHILDHOOD DEAFNESS AND HEARING LOSS, CENTER FOR)

- Service animal, definition 176
- Service animals, misrepresenting animals as, civil infraction 176

DEATH (See also ABORTION)

- Deceased employee, municipal corporation employer indebtedness to, requirements 57

DENTISTS AND DENTISTRY

- Access to baby and child dentistry program, to include children with disabilities 156
- Practices, health care contractors as nonprofit integrated care delivery systems 210
- Practices, permissible role of corporations or other entities or persons in 210

DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH

- Residential living, certain property transfers for, real estate excise tax exemption 223

DISABILITIES, INDIVIDUALS WITH (See also DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; VETERANS; VULNERABLE ADULTS)

- Achieving a better life experience program, Washington, account, funds use 76
- Achieving a better life experience program, Washington, individual accounts 76
- Aged, blind, or disabled assistance program, when essential needs program-eligible 48
- Children from birth to 2, early intervention services funding model 261
- Dental care for children with disabilities, via access to baby and child dentistry program 156
- Dogs, misrepresenting as service animals, civil infraction 176
- Dyslexia advisory council, convening 75
- Dyslexia, as learning disability, school screening and interventions 75
- Horses, miniature, misrepresenting as service animals, civil infraction 176
- Opportunities, education/sports/employment, association of WA generals role 67
- Pregnancy disability, state employee shared leave program to include 39
- Recreation, fish-shellfish-wildlife-related, disability designation for 168
- Retirees, due to disability, property tax exemption program, revisions 46
- Service animal, definition 176
- Service animals, misrepresenting animals as, civil infraction 176
- Social security disability benefits denial appeals, free copy of medical records for 87
- Supplemental security income denial appeals, free copy of medical records for 87
- Veterans with disabilities, fishing/hunting license donation program for 90
- Veterans with total disability, child or spouse college tuition/fees waiver, stipend 129
- Veterans, adaptive automobile equipment sales and use tax exemptions 130
- Voter registration, qualified agencies for, offices for persons with disabilities as 110

DISCRIMINATION (See also GENDER IDENTITY; HUMAN RIGHTS COMMISSION; MINORITIES; RELIGION AND RELIGIOUS ORGANIZATIONS; SEX OFFENSES AND OFFENDERS; SEXUAL ORIENTATION; WOMEN)

- Claims for noneconomic damages, claimant's health not at issue, exceptions 70
- Employees, domestic violence victims, discrimination protections 47
- Employees, sexual assault or stalking victims, discrimination protections 47
- Employment contracts, with cause of action waiver, void and unenforceable, when 120
- Employment, equal opportunities for men and women 116
- Ethnicity, public agency disclosure to federal authorities, prohibitions 303
- Freedom of expression/speech, in student media, including civil action for relief 125
- Homeowners' associations, restrictive covenant modification documents for 65
- Jurors, prospective, excluding due to protected class membership, prohibition 23
- National origin, public agency disclosure to federal authorities, prohibitions 303
- Religious beliefs, law enforcement actions based on, prohibitions 303
- Religious beliefs, public agency disclosure to federal authorities, prohibitions 303
- Voting rights act of 2018, Washington, equal opportunity for protected classes 113
- Voting, equal opportunity, district-based elections, authority for 113
- Wages, equal pay for men and women 116

SUBJECT INDEX OF 2018 STATUTES

Chapter

DOMESTIC RELATIONS (See also ABORTION; ADOPTION; CHILD CARE; CHILDREN; FOSTER CARE; JUVENILE COURT AND JUVENILE OFFENDERS)

Child support work group, recommendations of	150
Child support, economic table for, updating	150
Child support, health care coverage obligation	150
Child support, income withholding orders, funds remittance by electronic means	150
Child support, self-support reserve limits, poverty guideline/level, one-person family	150
Children, youth, and families, department of, office of innovation, alignment, and accountability, duties	208
Family and medical leave, paid, technical corrections	141
Parentage act, uniform, concerning parentage and surrogacy agreements	6
Parental leave, state employee shared leave program to include	39
Relatives, visitation with child, petitioning the court	183

DOMESTIC VIOLENCE

Harassment, person convicted of, prohibiting firearm possession by	234
Hearings, limited license legal technician, fees incurred by, reimbursement for	84
Victims, employment discrimination protections and safety accommodations	47
Victims, shelters for, impact fees exemption, when	133

DRIVERS AND DRIVERS' LICENSES (See also IDENTIFICATION; MOTOR VEHICLES; TRAFFIC; TRAFFIC OFFENSES)

Licenses and permits, commercial, medical certification requirements	49
Licenses, applicants for, bone marrow donation information for	192
Licenses, enhanced, automatic voter registration when applying or changing address	110
Licenses, veteran designation on, via documents establishing eligibility	69

DRUGS (See also ALCOHOL AND DRUG ABUSE)

Cannabidiol products, as additive in marijuana products	132
Cannabis, medical use, provisions	68
Marijuana, businesses, accounting services for, authorizing	68
Marijuana, businesses, armored car services for, authorizing	68
Marijuana, businesses, financial institution services for, authorizing	68
Marijuana, medical use, accounting services for businesses	68
Marijuana, medical use, armored car services for businesses	68
Marijuana, medical use, financial services for businesses, patients, providers	68
Marijuana, processors, license fee, revising	132
Marijuana, producers, license fee, revising	132
Marijuana, retail product container, business or trade name and UBI requirements	43
Marijuana, retailers, license fee, revising	132
Prescription, take-back program for unwanted medications	196
Substance use disorder, involuntary commitment court hearings by video	305

ECOLOGY, DEPARTMENT (See also AIR QUALITY AND POLLUTION; WATER; WATER POLLUTION; WATER RIGHTS)

Aquaculture, commercial marine net pen, ecology role	179
Aquaculture, nonnative finfish, ecology role	179
Firefighting foam, class B, with PFAS chemicals, prohibitions, ecology role	286
Firefighting personal protective equipment, with PFAS chemicals, requirements	286
Flows, instream, voluntary regional agreements by ecology, extending expiration	72
Oil transport, spill contingency plans, management, emergency response	262
Paints, antifouling, environmental impacts of, reporting on, ecology role	94
PFAS chemicals, food packaging containing, safer alternatives, ecology role	138
Salmon, Atlantic, aquaculture, commercial marine net pen, ecology role	179
Salmon, Atlantic, aquaculture, ecology role	179
Vessel traffic and safety, in certain marine waters, report of, ecology role	262
Wastewater, publicly owned industrial treatment facilities, pollution control loans to	152
Wastewater, treatment plant operator certification, fees, department role	213
Water, Columbia river basin, voluntary regional agreements by ecology, extending	72
Watershed restoration and enhancement program, establishing, ecology role	1
Waterways, cross-boundary, Salish Sea shared waters forum, establishing	262

SUBJECT INDEX OF 2018 STATUTES

Chapter

EDUCATION, STATE BOARD

Powers and duties, various, exchanging and aligning with OSPI 177

ELECTIONS (See also SECRETARY OF STATE)

Campaigns, contributions, incidental committee requirements 111
Campaigns, contributions, reporting dates and/or monetary thresholds, various 304
Campaigns, finance disclosure, administration of RCW 42.17A, appropriations for 304
Campaigns, finance disclosure, DISCLOSE act of 2018 111
Campaigns, finance disclosure, reporting, enforcement, and remediable violations 304
Campaigns, finance disclosure, simplifying statutes to focus on major violations 304
Candidacy, declarations of, filing for write-in candidates 187
County commissioners, election of 301
District elections, noncharter county redistricting and county commissioners 301
District-based elections, political subdivision authority for 113
Elections infrastructure, continuity of election operations plans 26
Reconciliation reports, county auditors, duties of 218
Vote tallying equipment, audits and random checks 218
Vote tallying equipment, audits, expanding when discrepancy noted 218
Vote tallying equipment, audits, options and requirements 218
Voting, future voter program 109
Voting, preregistration for 16- and 17-year-olds 109
Voting, registration, automatic at qualified agencies, process for 110
Voting, registration, automatic, enhanced driver's license and identicaid applicants 110
Voting, registration, expedited recording 112
Voting, registration, in-person locations for 112
Voting, signing up to register, when 109
Voting, systems, security breach disclosure by manufacturer or distributor 218
Voting, Washington voting rights act of 2018, protected class equal opportunity 113
Women's suffrage, national, commemoration of centennial of, preparations for 98
Women's suffrage, national, women's commission role in commemorating 98
Women's suffrage, national, women's history consortium role in commemorating 98
Write-in candidates, provisions 187

ELECTRICIANS

Board, electrical, hearings before 240
Certificates of competency, journey level, apprenticeship program requirement 249
Licensing/certification rules, state, city and town enforcement, when 240

ELECTRONIC PRODUCTS (See also COMPUTERS; TELECOMMUNICATIONS)

Cameras, body, worn by law enforcement officers or jail or detention personnel 285

EMERGENCY MANAGEMENT AND SERVICES (See also EMERGENCY, STATE OF; HAZARDOUS MATERIALS; OIL AND GAS)

Behavioral health, mental health field response grant program, establishing 142
Elections infrastructure, county, continuity of election operations plans 26
Emergency medical services, property tax levy, placing countywide proposal
on ballot 136
Emergency volunteer health practitioners act, uniform 184
First aid, law enforcement officer training in and provision of 10
First aid, law enforcement officer training in and rendering of, I-940 11
Oil transport, spill contingency plans, management, and emergency response 262

EMERGENCY, STATE OF (See also EMERGENCY MANAGEMENT AND SERVICES)

Emergency volunteer health practitioners act, uniform 184
Wildfires, 2017-2018, emergency appropriations from budget stabilization
account for 274

EMPLOYMENT AND EMPLOYEES (See also AGRICULTURE; BUSINESSES; FARMS AND FARMING; LABOR; LABOR AND INDUSTRIES, DEPARTMENT; PROFESSIONS; PUBLIC EMPLOYMENT AND EMPLOYEES; UNEMPLOYMENT COMPENSATION; VOCATIONAL

SUBJECT INDEX OF 2018 STATUTES

EMPLOYMENT AND EMPLOYEES - con't.

Chapter

EDUCATION; WAGES AND HOURS; WORKER TRAINING AND WORKFORCE NEEDS; WORKERS' COMPENSATION; WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD)

Agricultural workers, behavioral health and suicide prevention pilot program,	95
Agricultural workers, behavioral health and suicide prevention task force,	95
Child care, impact of accessibility, child care collaborative task force, convening	91
Child support, income withholding orders, funds remittance by electronic means	150
Communications, between workers concerning wages and employment, protecting	116
Contracts, employment, with cause of action waiver, void and unenforceable, when	120
Criminal record, employer prematurely asking applicant about, enforcement.	38
Domestic violence victims, employment discrimination and safety accommodations.	47
Family and medical leave, paid, technical corrections	141
Sexual assault or stalking victims, employment discrimination and accommodations	47
Sexual assault/harassment nondisclosure requirement, prohibiting	117
Sexual assault/harassment nondisclosure requirement, unenforceability, when	118
Sexual harassment, workplace safety model policies, stakeholder work group	121
Work, future of, task force on, establishing	294

EMPLOYMENT SECURITY DEPARTMENT

Family and medical leave, paid, technical corrections	141
---	-----

ENTERPRISE SERVICES, DEPARTMENT (See also BUILDING CODE COUNCIL)

Building code council, DES role, expanding	207
Surplus real property, for affordable housing, inventory of, DES role.	217

FARMS AND FARMING (See also AGRICULTURE; FOOD AND FOOD PRODUCTS; LIVESTOCK)

Apple maggot quarantine areas, outdoor burning in	147
Chavez, Cesar, recognizing March thirty-first as Cesar Chavez day	307
Hops, export documents, grower lot numbers/lab results, disclosure exemption.	170
Produce, federal safety rule, implementation process and records	106
School meals, farm-to-school and small farm direct marketing programs	8
Workers, agricultural, behavioral health and suicide prevention pilot program.	95
Workers, agricultural, behavioral health and suicide prevention task force.	95
Workers, agricultural, pesticide application safety work group, establishing	108

FERRIES

Employees, new, collective bargaining unit representative access to.	250
Employees, unfair labor practices against, deadline for claims in superior court.	252
Passenger-only ferry service districts, public works contractor bonds within	89

FINANCIAL INSTITUTIONS (See also FINANCIAL INSTITUTIONS, DEPARTMENT; SECURITIES)

Credit unions, as public depositaries.	237
Marijuana businesses, patients, and providers, providing financial services for	68
Student loans, disbursement via financial institution, requirements for schools	13

FINANCIAL INSTITUTIONS, DEPARTMENT (See also FINANCIAL INSTITUTIONS)

Securities division, certain fees collected for, increasing, department role	185
Student education loan servicers program, department role	62

FINANCIAL MANAGEMENT, OFFICE

Children, core state services, forecasting/budgeting as maintenance-level costs	208
Shared leave program, to include parental leave and pregnancy disability	39
State agencies, employees and contractors, background checks, when, OFM role	19
State trooper and sergeant salaries, competitive for recruitment, OFM reporting role.	140

FIRE PROTECTION (See also FIREFIGHTERS)

Burning, prescribed burn manager certification program, creating	172
Contractors, fire protection contractor license fund, limiting uses of.	37
Fire protection districts, annexations and mergers, various provisions	28

SUBJECT INDEX OF 2018 STATUTES

FIRE PROTECTION - con't.

Chapter

Fire protection districts, elections, district-based	113
Foam, class B firefighting, with PFAS chemicals, prohibitions	286
Personal protective equipment, containing PFAS chemicals, requirements	286
Property, noncommercial, insurer risk mitigation goods and services for insureds	239
Regional fire protection service authorities, tax levy provisions	136
Wildfires, 2017, appropriations from budget stabilization account for	274
Wildfires, wildland fire advisory committee, expanding duties	227

FIREARMS (See also CORRECTIONAL FACILITIES AND JAILS; LAW ENFORCEMENT AND LAW ENFORCEMENT OFFICERS)

Bump-fire stock buy-back program, establishing	7
Bump-fire stocks, prohibitions	7
Firearm rights, voluntary waiver of	145
Pistols, concealed pistol license, ineligible for return due to protection order	226
Pistols, concealed pistol license, photograph of applicant, requirements	226
Possession, by person convicted of domestic violence harassment, prohibiting	234
Shooting from vehicle, person with disability when hunting, repealing provision	168
Suicide prevention, voluntary waiver of firearm rights	145

FIREFIGHTERS (See also FIRE PROTECTION; RETIREMENT AND PENSIONS)

Civil commitment center, firefighter employed at, transfer from PERS plan 2 or 3 to LEOFF plan 2	230
Hiring and continuing employment, lawful permanent residents, eligibility of	32
Posttraumatic stress disorder, occupational disease presumption	264
Prison, firefighter employed at, transfer from PERS plan 2 or 3 to LEOFF plan 2	230

FISH (See also FISHING; FOOD AND FOOD PRODUCTS)

Aquaculture, commercial marine net pen, state guidance	179
Aquaculture, nonnative finfish, facility inspections	179
Aquaculture, nonnative finfish, leases, permits, and authorizations, prohibitions	179
Data, sensitive, concerning fish, confidentiality agreements	214
Salmon, Atlantic, aquaculture facility inspections	179
Salmon, Atlantic, aquaculture leases, permits, and authorizations, prohibitions	179
Salmon, Atlantic, aquaculture, commercial marine net pen, state guidance	179

FISH AND WILDLIFE COMMISSION (See also FISH AND WILDLIFE, DEPARTMENT; HUNTING)

Aquaculture, regulation of, authority of commission	179
Disability designation, for fish-shellfish-wildlife-related recreation, commission role	168

FISH AND WILDLIFE, DEPARTMENT (See also FISH AND WILDLIFE COMMISSION; FISHING; HUNTING; WILDLIFE)

Aquaculture, commercial marine net pen, DFW role	179
Aquaculture, nonnative finfish, DFW role	179
Data, sensitive, concerning fish and wildlife, confidentiality agreements	214
Disability designation, for fish-shellfish-wildlife-related recreation, DFW role	168
Fish and wildlife federal lands revolving account, creating	258
Halibut fishery, recreational, catch record cards, DFW role	190
Licenses, commercial fishing, various, increasing fees for nonresidents	235
Licenses, fishing/hunting, donation program for veterans with disabilities	90
Placing wildlife in new location, DFW notice and hearing	212
Salmon, Atlantic, aquaculture, commercial marine net pen, DFW role	179
Salmon, Atlantic, aquaculture, DFW role	179
Wanapum Indians, freshwater food fish permits	235

FISHING (See also FISH; FISH AND WILDLIFE, DEPARTMENT)

Disability designation for fish- and shellfish-related recreation, and rule making	168
Halibut fishery, recreational, catch record cards	190
Licenses, commercial fishing, various, increasing fees for nonresidents	235
Licenses, fishing/hunting, donation program for veterans with disabilities	90
Wanapum Indians, freshwater food fish permits	235

SUBJECT INDEX OF 2018 STATUTES

Chapter

FOOD AND FOOD PRODUCTS (See also FARMS AND FARMING)

Food safety and security act, adulteration, misbranding, and false advertisement protections	236
Food safety and security, intrastate, new chapter concerning, creating	236
Food, drug, and cosmetic act, uniform Washington, moving various provisions of	236
Intrastate commerce, food in, prohibitions	236
Labeling and branding requirements, in food safety and security act	236
Mobile food units, exempting from commissary/servicing area regulations	167
Packaging, containing PFAS chemicals, prohibitions and safer alternatives	138
School meal programs, breakfast after start of day, as instructional hours, when	8
School meal programs, breakfast after the bell program models and procedures	8
School meal programs, breakfast after the bell, in high-needs schools	8
School meal programs, hunger-free students' bill of rights act	271
School meal programs, local meal charge policies, requirements	271
School meals, farm-to-school and small farm direct marketing programs	8
Warehouses, food storage, storing alcoholic beverages, licensure exemption	96

FOREST LAND (See also FIRE PROTECTION; FOREST PRACTICES AND PRODUCTS; PUBLIC LANDS)

Burning, prescribed burn manager certification program, creating	172
--	-----

FOREST PRACTICES AND PRODUCTS (See also FIRE PROTECTION)

Burning, prescribed burn manager certification program, creating	172
Composite and laminated timber products, in building construction	29
Hardwoods processors, assessment for hardwoods commission, revising	71
Laminated and composite timber products, in building construction	29
Marbled murrelet habitat protection, economic impact	255
Mass timber products, in building construction	29

FOSTER CARE

Child welfare services, network administrators, expanding coverage area of	284
Child welfare services, supervising agency requirement, eliminating	284
Extended foster care services, expanded eligibility for	34
Foster care services, forecasting and budgeting, when	208
Foster children and homes, most recent caseload forecasts, DCYF to review	208
Foster children, assessing need for behavioral rehabilitation services	208
Foster children, behavioral rehabilitation services rates	208
Foster children, care needs of, developing single validated tool to assess	208
Foster parents, preservice training online availability	20
Foster parents, rights and responsibilities list, providing to	51
Foster youth, behavioral rehabilitation services forecasting	208
Foster youth, current/former, passport to apprenticeship opportunities program	232
Foster youth, current/former, passport to careers program, creating	232
Foster youth, integrated managed/behavioral health care plan	27
Students in foster care, best-interest determinations and school district liaisons	139

FUELS (See also OIL AND GAS)

Biogas, landfill, anaerobic digester processing for, tax preference provisions	164
Extracted, use tax exemption for, narrowing to biomass fuel, revising effective date	92
Gas, natural, sustainable development and standards for renewable methane-rich	164

FUNDS (See PUBLIC FUNDS AND ACCOUNTS)

GENDER IDENTITY (See also DISCRIMINATION)

Conversion therapy, practicing on minor, as provider unprofessional conduct, when	300
---	-----

GOVERNOR (See also BUDGETS; EMERGENCY, STATE OF)

Health disparities, governor's interagency coordinating council on, reproductive health care access	119
Innovation, alignment, and accountability, office of, duties	208
Voting, automatic registration for, governor role	110
Women's commission, Washington state, establishing in governor's office	98

SUBJECT INDEX OF 2018 STATUTES

Chapter

GROWTH MANAGEMENT

Comprehensive planning, groundwater withdrawals, requirements 1

HARDWOODS COMMISSION (See also FOREST PRACTICES AND PRODUCTS)

Assessment for commission funding, revising and adjusting 71

HAZARDOUS MATERIALS (See also PEST CONTROL AND PESTICIDES)

Nuclear material, Hanford site, former employee occupational disease presumption 9
Oil transport, contingency plans, oil that may submerge or sink in water 262
Oil transport, spill contingency plans, management, and emergency response 262
Paints/coatings for boats, copper-containing antifouling, replacing 94
Petroleum storage tanks, underground, delaying program termination and repeal 194
PFAS chemicals, food packaging containing, prohibitions and safer alternatives 138
PFAS chemicals, in class B firefighting foam, prohibitions 286
PFAS chemicals, in firefighting personal protective equipment, requirements 286
Tanks, heating oil, insurance for, annual contamination cleanup aggregate limit 194
Tanks, heating oil, insurance for, statement in real estate seller disclosure 289
Tanks, underground storage, delaying program termination and repeal 194

HEALTH AND SAFETY, PUBLIC (See also ABORTION; AIR QUALITY AND POLLUTION; ALCOHOL AND DRUG ABUSE; DISABILITIES, INDIVIDUALS WITH; DRUGS; HAZARDOUS MATERIALS; HEALTH CARE; HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH; PEST CONTROL AND PESTICIDES; PUBLIC ASSISTANCE; WATER POLLUTION)

AIDS and HIV, removing certain HIV testing barriers 158
Birth control, health plan coverage for contraception 119
Bone marrow donation, information for driver's license and identicaid applicants 192
Cancer, Andy Hill cancer research endowment program, fund, and account 4
Cancer, cancer research endowment authority, program, and accounts, renaming 4
Contraception, health plan coverage for 119
Dyslexia advisory council, convening 75
Dyslexia, as learning disability, school screening and interventions 75
Food packaging, containing PFAS chemicals, prohibitions and safer alternatives 138
Health disparities, governor's interagency coordinating council on, reproductive health care access 119
Mammography, insurance coverage to include digital breast tomosynthesis, when 115
Newborn children, safe surrender at health care facilities, information concerning 182
Paints/coatings for boats, copper-containing antifouling, replacing 94
Pregnancy and childbirth, doula or midwifery services for incarcerated women 41
Pregnancy disability, state shared leave program to include 39
Pregnancy, genetic and gestational surrogacy agreements 6
Records, medical, for social security disability benefits denial appeal, free copy of 87
Records, medical, for supplement security income denial appeals, free copy of 87
Records, mental health, disclosure in certain discrimination claims 70

HEALTH CARE (See also ABORTION; ALCOHOL AND DRUG ABUSE; DENTISTS AND DENTISTRY; DRUGS; HEALTH AND SAFETY, PUBLIC; HEALTH CARE AUTHORITY; HEALTH CARE PROFESSIONS AND PROVIDERS; INSURANCE; MENTAL HEALTH; PUBLIC ASSISTANCE; WORKERS' COMPENSATION)

Accountable communities of health, certain incentive payments, B&O tax deduction 102
Bone marrow donation, information for driver's license and identicaid applicants 192
Cannabis, medical use, provisions 68
Charity care, for indigent persons by hospitals, revising requirements 263
Chiropractic services, reimbursement parity for 181
Chiropractic services, restricting prior authorization for 193
Conversion therapy, practicing on minor, as provider unprofessional conduct, when 300
Doula services, for incarcerated women, when 41
East Asian medicine, restricting prior authorization for 193
Facilities, charity care, for indigent persons by hospitals, revising requirements 263
Facilities, safe surrender of newborns at, information concerning, compiling 182

SUBJECT INDEX OF 2018 STATUTES

HEALTH CARE - con't.

Chapter

First aid, law enforcement officer training in and provision of	10
First aid, law enforcement officer training in and rendering of, I-940	11
Health disparities, governor's interagency coordinating council on, reproductive health care access	119
Hearing instruments, coverage under medicaid and public employee benefits	159
Hearing therapy, restricting prior authorization for	193
Mammograms, communicating breast density to patients	122
Mammography, insurance coverage to include digital breast tomosynthesis, when	115
Marijuana, medical use, accounting services for businesses	68
Marijuana, medical use, armored car services for businesses	68
Marijuana, medical use, financial services for businesses, patients, providers	68
Massage therapy, restricting prior authorization for	193
Midwifery services, for incarcerated women, when	41
Occupational therapy, restricting prior authorization for	193
Physical therapy, restricting prior authorization for	193
Preventive services, all health plans to cover	14
Speech therapy, restricting prior authorization for	193
Stem cell therapies, not USFDA-approved, provider notice to patient	216
Store and forward technology, as reimbursable service	283
Telemedicine payment parity pilot program, telemedicine collaborative role	283
Telemedicine, billing and reimbursement for	283
Telemedicine, collaborative for advancement of, extending	256

HEALTH CARE AUTHORITY (See also PUBLIC ASSISTANCE; PUBLIC EMPLOYEES' BENEFITS BOARD)

Behavioral health authority, designation of state, transferring to HCA from DSHS	201
Behavioral health services, fully integrated managed health care system	175
Depression, partnership access line for moms and kids program, authority role	288
Depression, pregnant women and new mothers, program for, authority role	288
Foster youth, integrated managed/behavioral health care plan, HCA role	27
Health benefit exchange, COFA citizens, premium assistance program, HCA role	161
Interpreters, spoken language services, purchasing from certain providers	253
Medicaid, access to baby and child dentistry program to include children with disabilities	156
Medicaid, assisted living and adult residential care, new payment system for	225
Medicaid, certain payments to accountable communities of health, B&O tax deduction	102
Medicaid, children's mental health services, facilitating referrals to, authority role	288
Medicaid, children's mental health services, fully integrated managed health care system	175
Medicaid, false claims, penalties and recoveries, increasing	63
Medicaid, funding for home visiting services, leveraging, HCA role	175
Medicaid, in-home care, consumer-directed employer program, establishing	278
Medicaid, medicaid fraud control unit, establishing in AG office	238
Medicaid, telemedicine payment parity pilot program, recommendations for	283
Medical care services, residential and institutional, personal needs allowance	137
Public employee benefits, hearing instruments coverage, requiring	159
Public employee benefits, telemedicine payment parity pilot program, recommendations	283
School employees' benefits board, revisions and new accounts for implementing	260

HEALTH CARE PROFESSIONS AND PROVIDERS (See also ABORTION; ALCOHOL AND DRUG ABUSE; COUNSELORS AND COUNSELING; HEALTH AND SAFETY, PUBLIC; HEALTH CARE; MENTAL HEALTH; PSYCHIATRY AND PSYCHIATRISTS; PSYCHOLOGISTS)

Chiropractors, chiropractic services by, reimbursement parity for	181
Chiropractors, chiropractic services by, restricting prior authorization for	193
Conversion therapy, practice on minor by licensee to be unprofessional conduct	300
Degree programs, advanced, opportunity scholarship program to include	209
Doulas and doula services, for incarcerated women, when	41
East Asian medicine practitioners, services by, restricting prior authorization for	193
Emergency volunteer health practitioners act, uniform	184
Family medicine residency network, adding WSU college of medicine to	93

SUBJECT INDEX OF 2018 STATUTES

HEALTH CARE PROFESSIONS AND PROVIDERS - con't.

Chapter

Hearing therapists, services by, restricting prior authorization for	193
Massage therapists, services by, restricting prior authorization for	193
Medical student loan program, to increase rural/underserved physician workforce.	209
Midwives and midwifery services, for incarcerated women, when	41
Nurses, providers for criminal offenders and others, PSERS membership, when	241
Nurses, sexual assault nurse examiner training and mobile team best practices	88
Occupational therapists, services by, restricting prior authorization for.	193
Osteopaths, maintenance of certification, prohibiting requirement of	211
Physical therapists, assistive personnel supervision by	222
Physical therapists, services by, restricting prior authorization for	193
Physical therapy assistants and aides, supervision by therapist	222
Physicians, maintenance of certification, prohibiting requirement of	211
Records, medical, for social security disability benefits denial appeal, free copy of	87
Records, medical, for supplement security income denial appeals, free copy of	87
Speech therapists, services by, restricting prior authorization for	193
Stem cell therapies, not USFDA-approved, provider notice to patient.	216
Telemedicine, professionals practicing via, reimbursement parity for	283
Telemedicine, professionals practicing via, telemedicine/billing training for	283
Unprofessional conduct, conversion therapy, licensee practice on minor of	300

HEALTH, DEPARTMENT (See also HEALTH AND SAFETY, PUBLIC)

Agricultural workers, behavioral health and suicide prevention pilot program	95
Behavioral health, certain DSHS functions, transferring to department.	201
Chiropractic quality assurance commission, budget, spending, staffing authority.	215
Drugs, prescription, unwanted medications take-back program, department role	196
Rural health, office of, behavioral health and suicide prevention in agricultural industry task force, convening	95

HISPANIC AFFAIRS, COMMISSION

Repeal and termination of provisions, repealing.	143
--	-----

HISTORICAL SOCIETIES

State historical society, Washington history day program, transfer to OSPI	127
State historical society, women's history consortium, national women's suffrage	98

HOLIDAYS AND OBSERVANCES

19th amendment to U.S. constitution, centennial of, preparing to commemorate	98
Chavez, Cesar, recognizing March thirty-first as Cesar Chavez day	307
Temperance and good citizenship day, student voter sign up and registration on	109
Washington history day, program transfer from historical society to OSPI	127
Women's suffrage, national, centennial of, preparations for commemorating	98
Women's suffrage, national, women's commission role in commemorating.	98
Women's suffrage, national, women's history consortium role in commemorating	98

HOMELESS PERSONS (See also HOMES AND HOUSING; LOW-INCOME PERSONS)

Census of homeless persons, categories and data	85
Charity care, for indigent persons by hospitals, revising requirements	263
Early childhood education and assistance program, eligibility of homeless children	155
Essential needs and housing support program, homeless/at-risk ABD recipient eligibility	48
Housing, homeless housing strategic plan and county homeless housing plans.	85
Housing, local housing and assistance, document-recording surcharge for	85
Indigency, court imposition of costs on indigent defendant, prohibiting	269
Indigent persons, charity care by hospitals for, revising requirements.	263
Legal financial obligations, homeless offender's failure to pay	269
Shelters, for homeless persons, impact fees exemption, when	133
Students, homeless, hunger-free students' bill of rights act	271
Youth, 13 or older, personally identifying information, consent for collecting of	15
Youth, discharge from publicly funded care system into homelessness, preventing	157
Youth, homeless youth prevention and protection programs, office of, duties and role	157
Youth, homeless, passport to apprenticeship opportunities program, creating.	232

SUBJECT INDEX OF 2018 STATUTES

HOMELESS PERSONS - con't.

Chapter

- Youth, homeless, passport to careers program, creating 232
- Youth, homeless, passport to college promise program eligibility for 232

HOMES AND HOUSING (See also HOUSING FINANCE COMMISSION; IMPACT FEES; LANDLORD AND TENANT; REAL ESTATE AND REAL PROPERTY; SENIOR CITIZENS)

- Affordable housing, document-recording surcharge, deposit and use of revenues 66
- Affordable housing, surplus state real property suitable for, inventory and sale 217
- Developmental disabilities, residential living for, certain property transfers 223
- Essential needs and housing support program, homeless/at-risk
 - ABD recipient eligibility 48
- Homeless housing strategic plan and county homeless housing plans, modifying. 85
- Homeless, local housing and assistance, document-recording surcharge for 85
- Homeowners' associations, governing documents with discriminatory provisions 65
- Housing authority boards, state public body support for 42
- Low-income homeownership development, by nonprofit, property tax exemption 103
- Low-income housing transfers, real estate excise tax exemption for, when 221
- Residential buildings, single-family, minimum dimensions of habitable spaces 302

HORSES

- Miniature horses, misrepresenting as service animals, civil infraction 176

HOSPITALS (See also HEALTH CARE; MENTAL HEALTH)

- Charity care, for indigent persons, revising requirements 263
- Newborn children, safe surrender at health care facilities, information concerning 182
- Public hospital districts, commission superintendent appointment and removal 134
- Public hospital districts, non-hospital wellness promotion by other facilities 134

HOUSING FINANCE COMMISSION (See also HOMES AND HOUSING)

- Facilities, commission financing for, expanding nonprofit corporation definition for 78
- Housing transfers, low-income, real estate excise tax exemption, HFC role 221
- Public development authorities, within "nonprofit corporation" for facilities funding 78
- Washington works housing program, commission debt limit 78

HUMAN RIGHTS COMMISSION (See also DISCRIMINATION; GENDER IDENTITY; IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS; MINORITIES; RELIGION AND RELIGIOUS ORGANIZATIONS)

- Sexual harassment, workplace safety model policies, stakeholder work group 121

HUNTING

- Disability designation for wildlife-related recreation, including rule making 168
- Licenses, fishing/hunting, donation program for veterans with disabilities 90

IDENTIFICATION

- Identicards, applicants for, bone marrow donation information for 192
- Identicards, enhanced, automatic voter registration when applying
 - or changing address 110
- Identicards, for juveniles being released from rehabilitation facilities 157

IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS (See also DISCRIMINATION; MINORITIES)

- Civil service qualifications, lawful permanent residents, extending eligibility to 32
- College financial aid eligibility, certain noncitizens as "residents" for 204
- Crime victim certification steering committee, convening 86
- Dreamers/deferred action for childhood arrivals, as "residents" for college financial aid 204
- National origin, public agency disclosure to federal authorities, prohibitions 303
- Nonimmigrant visas, U and T, for noncitizen human trafficking victims 86
- Nonimmigrant visas, U and T, persons with, as "residents" for college financial aid 204
- Religious beliefs, law enforcement actions based on, prohibitions 303
- Religious beliefs, public agency disclosure to federal authorities, prohibitions 303
- Tuition/fees, higher education, certain noncitizens and "residents" for 204

SUBJECT INDEX OF 2018 STATUTES

Chapter

IMPACT FEES

- Shelters, for domestic violence victims, impact fees exemption, when 133
- Shelters, for homeless persons, impact fees exemption, when 133

INDIANS (See also DISCRIMINATION; MINORITIES)

- Deadly force, law enforcement officer use resulting in tribal member's death, requirements 10
- Family and medical leave, paid, technical corrections 141
- Juvenile rehabilitation facilities, residential custody services for tribal youth 31
- Native education, office of, duties of 290
- Tribal compact schools, pilot program for cultural and other accommodations 290
- Tribal history, Since Time Immemorial curriculum in teacher preparation programs . . . 144
- Tribal schools, TRS and SERS retirement system participation. 257
- Wanapum Indians, freshwater food fish permits 235
- Women, Native American, missing, reporting and identifying of, studying resources for. 101

INDUSTRIAL INSURANCE (See WORKERS' COMPENSATION)

INITIATIVE AND REFERENDUM

- Initiative 940, law enforcement training and community safety act. 11
- Initiative 940, law enforcement training and community safety act, revising 10

INSURANCE (See also HEALTH CARE AUTHORITY; POLLUTION LIABILITY INSURANCE AGENCY; PUBLIC ASSISTANCE; PUBLIC EMPLOYEES' BENEFITS BOARD; WORKERS' COMPENSATION)

- Family and medical leave, paid, technical corrections 141
- Health benefit exchange, automatic voter registration role of 110
- Health benefit exchange, COFA citizens, premium assistance program for 161
- Health benefit exchange, plans in, if carrier SEBB or PEBB plan in same county 219
- Health benefit exchange, various provisions, updating. 44
- Health care, abortion, coverage. 119
- Health care, child support health care coverage obligation 150
- Health care, chiropractic and other therapies, restricting prior authorization for 193
- Health care, chiropractic services, reimbursement parity for 181
- Health care, contraception and reproductive health care coverage. 119
- Health care, mammography, coverage to include digital breast tomosynthesis 115
- Health care, Pacific islander COFA citizens, health care premium assistance. 161
- Health care, preventive services, all plans to cover, requirements, when. 14
- Health care, records for social security disability benefits denial appeal, free copy 87
- Health care, records for supplement security income denial appeals, free copy of 87
- Health care, state health insurance pool, premium reduction, when. 219
- Health care, telemedicine payment parity pilot program, recommendations for 283
- Insurers, corporate governance annual disclosure. 30
- Property, noncommercial, property insurer risk mitigation goods and services. 239

INSURANCE COMMISSIONER (See also INSURANCE)

- Insurers, corporate governance annual disclosure, commissioner role. 30

JUDGES (See also COURTS)

- District court judges, issuance of search warrant, jurisdictional requirements. 50
- Municipal court judges, issuance of search warrant by, jurisdictional requirements 50

JUDGMENTS (See also CIVIL PROCEDURE; COURTS)

- Common interest, Washington uniform common interest ownership act. 277
- Legal financial obligations, various provisions. 269

JUVENILE COURT AND JUVENILE OFFENDERS (See also SEX OFFENSES AND OFFENDERS)

- Adult court jurisdiction, mandatory, provisions 162
- Dependency proceedings, petitions, exception when DSHS is petitioner 17
- Discretionary and mandatory decline hearings, revising provisions. 162

SUBJECT INDEX OF 2018 STATUTES

JUVENILE COURT AND JUVENILE OFFENDERS - con't.

Chapter

Diversion, as discretionary option for juvenile court cases	82
Diversion, completed, and counsel and release agreements, destruction at 18 of	82
Diversion, diversion agreements and units, options for formation of.	82
Firearms, with bump-fire stocks, confinement for	7
Jurisdiction, mandatory, revising provisions	162
Offenders, identicards for, when releasing from rehabilitation facilities	157
Offenders, tribal youth, residential custody services in rehabilitation facility	31
Youth, discharge from publicly funded care system into homelessness, preventing	157

LABOR (See also APPRENTICES AND APPRENTICESHIP PROGRAMS; COLLECTIVE BARGAINING; DISCRIMINATION; EMPLOYMENT AND EMPLOYEES; LABOR AND INDUSTRIES, DEPARTMENT; PUBLIC EMPLOYMENT AND EMPLOYEES; PUBLIC WORKS; SEX OFFENSES AND OFFENDERS; WAGES AND HOURS; WORKER TRAINING AND WORKFORCE NEEDS; WORKERS' COMPENSATION)

Chavez, Cesar, recognizing March thirty-first as Cesar Chavez day	307
Communications, between workers concerning wages and employment, protecting	116
Contracts, employment, with cause of action waiver, void and unenforceable, when	120
Criminal record, employer prematurely asking applicant about, enforcement	38
Deceased employee, municipal corporation employer indebtedness to, requirements.	57
Domestic violence victims, discrimination protections and safety accommodations.	47
Family and medical leave, paid, technical corrections	141
Future of work, task force on, establishing	294
Human trafficking, noncitizen victim U and T certifications	86
Retaliation and discrimination against employees, protections	116
Sexual assault/stalking victims, discrimination protections and safety accommodations	47
Sexual harassment, workplace safety model policies, stakeholder work group	121
Unfair practices, complaints, statute of limitations for filing in superior court	252
Unfair practices, motor vehicle manufacturer franchise agreement violations.	296
Unfair practices, requiring disclosure of employee religious affiliation.	303
Unfair practices, requiring sexual assault/harassment nondisclosure.	117
Unions, security provisions, dues/fees deduction without written authorization, when	247
WISHA violations, maximum civil penalty, relation to OSHA maximum, when	128
Work, future of, task force on, establishing	294

LABOR AND INDUSTRIES, DEPARTMENT (See also APPRENTICES AND APPRENTICESHIP PROGRAMS; CONTRACTORS; LABOR; PUBLIC WORKS; STATE AGENCIES AND DEPARTMENTS; WORKERS' COMPENSATION)

Apprenticeship, supervisor of, apprentice utilization reporting to, when	244
Discrimination, gender-based, investigations of complaints of, L&I role	116
Interpreters, spoken language services, purchasing from certain providers	253

LANDLORD AND TENANT (See also HOMES AND HOUSING; REAL ESTATE AND REAL PROPERTY)

Landlord mitigation program, creating	66
Tenants, current or prospective, landlord actions due to income source, prohibitions.	66

LAW ENFORCEMENT AND LAW ENFORCEMENT OFFICERS (See also CORRECTIONAL FACILITIES AND JAILS; CRIMINAL JUSTICE TRAINING COMMISSION; CRIMINAL OFFENDERS; FIREARMS; MINORITIES; RETIREMENT AND PENSIONS)

Cameras, body, worn by officers	285
Deadly force, law enforcement officer good faith standard for use of	10
Deadly force, law enforcement officer good faith standard for use of, I-940.	11
First aid, officer training in and provision of	10
First aid, officer training in and rendering of, I-940	11
Hiring and continuing employment, lawful permanent residents, eligibility of.	32
Homicide, justifiable, law enforcement officer use of deadly force.	10

SUBJECT INDEX OF 2018 STATUTES

LAW ENFORCEMENT AND LAW ENFORCEMENT OFFICERS - con't.

Chapter

Homicide, justifiable, law enforcement officer use of deadly force, I-940	11
Initiative 940, law enforcement training and community safety act	11
Initiative 940, law enforcement training and community safety act, revising	10
Law enforcement training and community safety act, I-940	11
Law enforcement training and community safety act, I-940, revising	10
Limited authority officers, privileged communications with peer support counselors . . .	165
Mental health field response, using mental health professionals, grant program for . .	142
Mental health training for officers	10
Mental health training for officers, I-940	11
Officers, limited authority, privileged communications with peer support counselors	165
Officers, occupational disease presumptions for workers' compensation	264
Officers, posttraumatic stress disorder, occupational disease presumption	264
Peace officers, on prosecutor impeachment list, punishment due to, prohibiting.	265
Religious beliefs, law enforcement actions based on, prohibitions	303
State patrol, bump-fire stock buy-back program, establishing and administering	7
State patrol, resources for reporting/identifying missing Native American women, studying	101
State patrol, surplus public property, transfer, lease, or disposal for public benefit. . . .	217
State patrol, surplus real property for affordable housing, inventory, WSP role	217
State patrol, trooper and sergeant salaries, competitive	140
State patrol, wildfires, 2017-2018, appropriations to WSP for.	274
Violence de-escalation training for officers	10
Violence de-escalation training for officers, I-940	11

LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

School meal programs, breakfast after the bell, JLARC to analyze	8
Washington tourism marketing authority, JLARC performance evaluation of	275

LEGISLATURE (See also BUDGETS; ELECTIONS; NAMED ACTS; PUBLIC DISCLOSURE COMMISSION)

Autonomous vehicles, on public roadways, executive/legislative work group, convening	180
Children's mental health work group, establishing.	175
Diversity commissions, ethnic and cultural, advising legislature	143
Hill, Andy, former state senator, renaming cancer research endowment authority after . .	4
Task force on future of work, establishing	294
Task force, joint, on water resource mitigation, establishing	1
WorkFirst, legislative-executive WorkFirst poverty reduction oversight task force	126

LICENSING, DEPARTMENT (See also DRIVERS AND DRIVERS' LICENSES; MOTOR VEHICLES; TOWING AND TOW TRUCKS)

Motor vehicles, wholesale dealers, licensing of, continuing elimination of.	273
Motor vehicles, wholesale dealers, licensing of, renewing license, when	273
Recreational vehicles, abandoned, stakeholder work group on, DOL to convene	287
Recreational vehicles, registration, abandoned RV disposal fee at time of	287
Schools, degree-granting, closures of, DOL tuition recovery trust fund, creating	203
Schools, private vocational, student complaint portal, DOL role in creating.	203
Voting, registration, automatic, DOL role	110

LIEUTENANT GOVERNOR

Sports mentoring program, establishing, lieutenant governor role	67
Washington generals, association of, expanding purpose of	67
Washington world fellows program, association of WA generals role.	67

LIQUOR AND CANNABIS BOARD (See also ALCOHOLIC BEVERAGES; DRUGS)

Licenses, alcohol manufacturer, ancillary activities violations, penalties, board role . . .	25
Marijuana, businesses, accounting services for, authorizing	68
Marijuana, businesses, armored car services for, authorizing.	68
Marijuana, businesses, financial institution services for, authorizing.	68

SUBJECT INDEX OF 2018 STATUTES

LIQUOR AND CANNABIS BOARD - con't.

Chapter

Marijuana, licenses, processors, fee for, revising	132
Marijuana, licenses, producers, fee for, revising	132
Marijuana, licenses, retailers, fee for, revising	132

LIVESTOCK (See also HORSES)

Bringing animal into state, to feed lot, certificate of veterinary inspection requirement	281
---	-----

LOCAL GOVERNMENT (See also CITIES AND TOWNS; COUNTIES; ELECTIONS; GROWTH MANAGEMENT; PUBLIC EMPLOYMENT AND EMPLOYEES; PUBLIC WORKS; ROADS AND HIGHWAYS; TAXES - LODGING TAX)

Ethnicity, public agency disclosure to federal authorities, prohibitions	303
Infrastructure, local financing tool program, excess revenues, carrying forward	178
National origin, public agency disclosure to federal authorities, prohibitions	303
Religious beliefs, agency disclosure to federal authorities, prohibiting	303
Surplus public property, transfer, lease, or disposal for public benefit	217
Surplus state-owned real property, disposal, government agency first refusal	217

LONG-TERM CARE (See also COLLECTIVE BARGAINING; DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; SOCIAL AND HEALTH SERVICES, DEPARTMENT; VULNERABLE ADULTS)

Adult family homes, medicaid fraud control unit, establishing	238
Adult family homes, provisional license application priority processing	160
Adult residential care/enhanced, new medicaid payment system for	225
Assisted living facilities, deficiencies and violations, responses and penalties	173
Assisted living facilities, online information concerning	173
Assisted living facilities, work group for quality metrics for, facilitating	173
Assisted living, contracted, new medicaid payment system for	225
In-home care, consumer-directed employer program, establishing	278
Medical care services, residential and institutional, personal needs allowance	137
Nursing facilities, medicaid fraud control unit, establishing	238
Providers, fraud and abuse, medicaid fraud control unit, establishing	238
Residential care settings, medical care services, personal needs allowance	137
Residential care settings, physical plant contract requirements, review of	225
Respite care services, individual providers, training requirements	220

LOW-INCOME PERSONS (See also HOMES AND HOUSING)

Charity care, for indigent persons by hospitals, revising requirements	263
Civil legal aid, low-income/indigent persons, office of civil legal aid role	21
Early childhood education and assistance program, expanding eligibility, when	155
Essential needs and housing support program, homeless/at-risk ABD recipient eligibility	48
Homeownership development, low-income by nonprofit, property tax exemption	103
Housing, affordable housing for all document-recording surcharge, increasing	66
Housing, affordable, surplus state real property suitable for, inventory and sale	217
Housing, low-income, real estate excise tax exemption for certain transfers	221
Indigent persons, charity care by hospitals for, revising requirements	263
Intergenerational poverty advisory committee, creating	126
WorkFirst, legislative-executive WorkFirst poverty reduction oversight task force	126

MARINE WATERS, STATE (See also BOATS AND BOATING; COMMERCIAL VESSELS AND SHIPPING; FISH; FISHING; OIL AND GAS; PILOTAGE COMMISSIONERS, BOARD; PUGET SOUND PARTNERSHIP; SHELLFISH)

Aquaculture, commercial marine net pen, state guidance	179
Aquaculture, nonnative finfish, facility inspections	179
Aquaculture, nonnative finfish, leases, permits, and authorizations, prohibitions	179
Hood Canal, aquatic rehabilitation program, bond proceeds for	3
Salmon, Atlantic, aquaculture facility inspections	179
Salmon, Atlantic, aquaculture leases, permits, and authorizations, prohibitions	179
Salmon, Atlantic, aquaculture, commercial marine net pen, state guidance	179
Vessel traffic and safety, in certain marine waters, report of	262

SUBJECT INDEX OF 2018 STATUTES

MARINE WATERS, STATE - con't.

Chapter

Waterways, cross-boundary, Salish Sea shared waters forum, establishing 262

MENTAL HEALTH (See also ALCOHOL AND DRUG ABUSE; COUNSELORS AND COUNSELING; PSYCHIATRY AND PSYCHIATRISTS; PSYCHOLOGISTS)

Assisted outpatient mental health treatment, renaming 291
Behavioral health and suicide prevention, agricultural workers, pilot program 95
Behavioral health and suicide prevention, agricultural workers, task force on 95
Behavioral health authority, designation of state, transferring to health care authority 201
Behavioral health care, integrating into foster child managed health care plan 27
Behavioral health services, assisted outpatient behavioral health treatment 291
Behavioral health services, fully integrated managed health care system 175
Behavioral health services, mental health field response grant program 142
Behavioral health, certain DSHS functions, transferring to department of health 201
Children's behavioral rehabilitation services rates 208
Children's mental health services, facilitating referrals to, program for 288
Children's mental health work group, establishing 175
Commitment, involuntary, conducting court hearings by video 305
Conversion therapy, practicing on minor, as provider unprofessional conduct, when 300
Depression, partnership access line for moms and kids program 288
Depression, pregnant women and new mothers, diagnosis/treatment program 288
Eating disorders, children and youth, treatment data 175
Evidence, mental health in certain discrimination claims, when at issue 70
Higher education, suicide prevention and behavioral health, approaches 293
Hospitals, institutionalized patient nursing care providers, PSERS membership 241
Law enforcement agencies, mental health field response grant program 142
Law enforcement officer mental health training 10
Law enforcement officer mental health training, I-940 11
Legal financial obligations, mentally ill offender's failure to pay 269
Mental health field response, law enforcement, using mental health professionals 142
Students, mental health needs, school mental health professional collaboration time 200
Suicide prevention and behavioral health, agricultural workers, pilot program 95
Suicide prevention and behavioral health, agricultural workers, task force on 95
Suicide prevention in higher education, statewide resource and grant program 293
Suicide prevention, voluntary waiver of firearm rights 145
Treatment, assisted outpatient, adding substance use disorder and renaming 291
Treatment, parent-initiated process, advisory group to review, convening 175

MILITARY

Members, officers/employees of state/political subdivisions, military leave calculation 99
POWs, child or spouse of, higher education waiver to include stipend, when 129
Services through companies, active duty member termination of contracts for 197
War, period of, modifying definition of "veteran" in reference to 61

MILITARY DEPARTMENT

Elections infrastructure, continuity of election operations plans, department role 26

MINORITIES (See also AFRICAN-AMERICAN AFFAIRS, COMMISSION; ASIAN PACIFIC AMERICAN AFFAIRS, STATE COMMISSION; DISCRIMINATION; GENDER IDENTITY; IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS; INDIANS; SEXUAL ORIENTATION)

Chavez, Cesar, recognizing March thirty-first as Cesar Chavez day 307
Ethnicity, public agency disclosure to federal authorities, prohibitions 303
National origin, public agency disclosure to federal authorities, prohibitions 303
Pacific islanders, COFA citizens, health care premium assistance program for 161

MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE

Port district contracting, requirements 149

SUBJECT INDEX OF 2018 STATUTES

Chapter

MOTOR VEHICLES (See also DRIVERS AND DRIVERS' LICENSES; FUELS; ROADS AND HIGHWAYS; TOWING AND TOW TRUCKS; TRAFFIC; TRANSPORTATION)

Adaptive equipment sales and use tax exemptions for veterans with disabilities	130
Antifreeze products, denatonium benzoate provisions, application of	198
Autonomous vehicles, on public roadways, executive/legislative work group	180
Bicycles, electric assisted, definitions, requirements, and use of	60
Dealers and manufacturers, franchise agreements, unfair manufacturer practices	296
Dealers, wholesale, licensing of, continuing elimination of	273
Dealers, wholesale, licensing of, renewing license, when	273
Electric-assisted bicycles, definitions, requirements, and use of	60
Electronic logging devices, federal exemption for agricultural transporters	33
Fees, service, agent or subagent collection	79
Food units, mobile, exemption from commissary/servicing area regulations	167
Length, maximum, exceptions for two trailers or semitrailers, when	105
License plate indicator tabs, for tow truck operators applying for certain licenses	135
License plates, special, baseball stadium plates, repealing	67
License plates, special, Seattle Mariners plates, creating	67
License plates, special, Seattle Seahawks plates, association of generals funding	67
Manufacturers and dealers, franchise agreements, unfair manufacturer practices	296
Recalled vehicles, repairs by dealers, manufacturer compensation for	296
Recreational vehicles, abandoned, transport, storage, dismantling, and disposal of	287
Registration, recreational vehicles, abandoned RV disposal fee at time of	287
Registration, renewal of, service fee collection	79
Repair facilities, motor vehicle transporter license, modifying	16
Repairs, due to recall, manufacturer compensation of dealers	296
Shooting from vehicle, person with disability when hunting, repealing provision	168
Titles, certificates of, affidavit of lost title, service fee collection	79
Titles, certificates of, service fees collection	79
Transporting of vehicles, transporter license for, issuance to repair facilities	16
Work zone vehicles/workers, driver requirements for negotiating	18
Work zone vehicles/workers, reckless endangerment by driver, penalty	18

MUSIC AND MUSICIANS

Symphony musicians, newly employed, bargaining unit representative access to	250
Symphony musicians, unfair labor practices against, superior court claims deadline	252

NAMED ACTS

Automatic voter registration act of 2018	110
Business corporation act, meetings under, revisions	55
DISCLOSE act of 2018, campaign finance disclosure	111
Emergency volunteer health practitioners act, uniform	184
Fair chance act, employer prematurely asking applicant about criminal record	38
Fair chance to education act, Washington, higher education applicants' criminal histories	83
Food safety and security act, concerning adulteration, misbranding, and false advertisement of food	236
Food, drug, and cosmetic act, uniform Washington, moving various provisions of	236
Foreclosure fairness act, removing references to home affordable modification program	306
Housing opportunities act, Washington, housing for the homeless	85
Hunger-free students' bill of rights act, concerning schools providing student meals	271
Law enforcement training and community safety act, 1-940	11
Law enforcement training and community safety act, 1-940, revising	10
Medicaid fraud false claims act, penalties and recoveries under	63
Parentage act, uniform, concerning parentage and surrogacy agreements	6
Passport to careers act, for homeless and foster youth	232
Produce safety rule implementation act, concerning federal rule	106
Responsible representation act, noncharter county district elections	301
Safety and access for immigrant victims act	86
Statewide tourism marketing act, creating program and marketing authority	275

SUBJECT INDEX OF 2018 STATUTES

NAMED ACTS - con't.

Chapter

Student education loan bill of rights, Washington, loan servicing and modification	62
Student opportunity, assistance, and relief act, concerning education loan debt	199
Uniform parentage act, concerning parentage and surrogacy agreements	6
Voting rights act of 2018, Washington, equal opportunity for protected classes	113
Washington uniform common interest ownership act.	277

NATURAL RESOURCES, DEPARTMENT (See also FIRE PROTECTION;

PUBLIC LANDS)

Aquaculture, commercial marine net pen, DNR role	179
Aquaculture, nonnative finfish, DNR role	179
Burning, prescribed burn manager certification program, DNR to create	172
Marbled murrelet, advisory committee, appointing, DNR role	255
Marbled murrelet, habitat conservation reporting and committee, DNR role	255
Natural resources federal lands revolving account, creating.	258
Salmon, Atlantic, aquaculture, commercial marine net pen, DNR role	179
Salmon, Atlantic, aquaculture, DNR role	179
Surplus real property, for affordable housing, inventory of, DNR role	217
Wildfires, 2017, appropriations to DNR from budget stabilization account for.	274
Wildland fire advisory committee, expanding duties	227
Wildland urban interface areas, establishing, DNR technical assistance for	189

NEWS MEDIA

Freedom of expression/speech, in student media, including civil action for relief.	125
--	-----

NONPROFIT ORGANIZATIONS

Developmental disabilities, residential living properties, transfers to organizations	223
Homeownership development, low-income by nonprofit, property tax exemption	103
Political campaign contributions and expenditures by nonprofits	111

OIL AND GAS (See also FUELS)

Biogas, anaerobic digester processing for, tax preference provisions	164
Heating oil tanks, insurance for, annual contamination cleanup aggregate limit	194
Heating oil tanks, insurance for, statement in real estate seller disclosure	289
Natural gas, renewable methane-rich, sustainable development and standards	164
Oil facilities, spill contingency plans, management, and emergency response	262
Oil transport, contingency plans, oil that may submerge or sink in water	262
Oil, that submerges or sinks in water, contingency plans to include	262
Petroleum storage tanks, underground, delaying program termination and repeal.	194
Pipelines, certain oil spill tax provisions to include	262
Tanks, underground storage, delaying program termination and repeal.	194

ORDERS OF COURT

Persons subject to order, ineligible for concealed pistol license return when.	226
Protection orders, for child forensic interview audio or video recordings, when	171
Visitation orders, granting visitation with child, petition and hearing procedures	183

PARKS AND RECREATION COMMISSION

Milwaukee Road corridor, development/transfer, striking contingent expiration	279
Surplus real property, for affordable housing, inventory of, commission role.	217

PERSONAL PROPERTY (See also REAL ESTATE AND REAL PROPERTY)

Insurance, property insurer risk mitigation goods and services for insureds	239
---	-----

PEST CONTROL AND PESTICIDES

Apple maggot quarantine areas, outdoor burning in	147
Applications, pesticide application safety work group, establishing	108

PILOTAGE COMMISSIONERS, BOARD

Tariffs, pilotage, board duty to establish, transferring to UTC.	107
Vessel traffic and safety, in certain marine waters, report of, board role	262

POLLUTION LIABILITY INSURANCE AGENCY

Insurance for heating oil tank, real estate seller disclosure statement concerning	289
--	-----

SUBJECT INDEX OF 2018 STATUTES

POLLUTION LIABILITY INSURANCE AGENCY - con't.

Chapter

Insurance for heating oil tanks, annual contamination cleanup aggregate limit 194

PORT DISTRICTS (See also LOCAL GOVERNMENT)

Collective bargaining, district professional employees, including in "employee" 251
Collective bargaining, professional and supervisory personnel, in separate units 251
Contracting, public works, unit-priced contracts for 149
Contracting, public works, without bids, when 149
Contracting, unit-priced, authority and procedures 149
Elections, district-based 113
Pilotage tariffs, transferring duty to establish to UTC, impact on districts 107
Pollution control facility programs and activities, district funds for 148
Telecommunications services, port district provision of, expanding authority 169

PROFESSIONAL EDUCATOR STANDARDS BOARD

Paraeducator board, paraeducator professional development and oversight by 153
Teacher preparation programs, Since Time Immemorial tribal history curriculum in . . . 144

PROFESSIONS (See also BUSINESSES; CONTRACTORS; ELECTRICIANS; EMERGENCY MANAGEMENT AND SERVICES; FIREFIGHTERS; HEALTH CARE PROFESSIONS AND PROVIDERS; LAW ENFORCEMENT AND LAW ENFORCEMENT OFFICERS; REAL ESTATE AND REAL PROPERTY; SPORTS AND RECREATION; VETERINARIANS)

Architects, fees for certificates for, depositing in building code council account 207
Interpreters, for limited English-speaking persons, purchasing of services 253
Interpreters, spoken language services, purchasing from certain providers 253
Language access providers, spoken language services, state agency purchasing 253
License suspensions, student education loan nonpayment or default, repealing 199

PSYCHIATRY AND PSYCHIATRISTS (See also COUNSELORS AND COUNSELING; HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH; PSYCHOLOGISTS)

Child and adolescent psychiatry, residency position at UW 175
Mental health field response, law enforcement, using mental health professionals . . . 142

PSYCHOLOGISTS (See also COUNSELORS AND COUNSELING; HEALTH CARE PROFESSIONS AND PROVIDERS; MENTAL HEALTH; PSYCHIATRY AND PSYCHIATRISTS)

Mental health field response, law enforcement, using mental health professionals . . . 142
School psychologists, meeting student mental health needs 200

PUBLIC ASSISTANCE (See also ADOPTION; CHILD CARE; FOSTER CARE; LONG-TERM CARE)

Aged, blind, or disabled assistance program, when essential needs program-eligible . . . 48
Child welfare services, behavioral rehabilitation services rates 208
Child welfare services, kinship caregivers, legal representation for 80
Essential needs and housing support program, certain ABD recipients, eligibility 48
Essential needs and housing support program, eligibility verification 48
Interpreter services, for limited English-speaking applicants and recipients 253
Medicaid, access to baby and child dentistry program to include
 children with disabilities 156
Medicaid, assisted living and adult residential care, new payment system for 225
Medicaid, certain payments to accountable communities of health,
 B&O tax deduction 102
Medicaid, children's mental health services, facilitating referrals to, program for . . . 288
Medicaid, children's mental health services, fully integrated managed
 health care system 175
Medicaid, false claims, penalties and recoveries, increasing 63
Medicaid, hearing instruments coverage, requiring 159
Medicaid, in-home care, consumer-directed employer program, establishing 278
Medicaid, Medicaid fraud control unit, establishing 238
Medicaid, telemedicine payment parity pilot program, recommendations for 283
Medical care services, residential and institutional, personal needs allowance 137
Resource limitations for assistance, revising definition of "resource" 40

SUBJECT INDEX OF 2018 STATUTES

PUBLIC ASSISTANCE - con't.

Chapter

Voter registration, public assistance agencies as qualified agencies for, when	110
WorkFirst, legislative-executive WorkFirst poverty reduction oversight task force	126
Youths, in out-of-home care, best-interest determinations and school districts liaisons	139

PUBLIC DEFENSE, OFFICE (See also COURTS)

Child welfare services, kinship caregivers, legal representation for, office role	80
---	----

PUBLIC DISCLOSURE COMMISSION

Campaign contributions, incidental committee requirements	111
Campaign contributions, reporting dates and/or monetary thresholds, various	304
Campaign finance disclosure, DISCLOSE act, PDC role.	111
Campaigns, finance disclosure, PDC administration of RCW 42.17A, appropriations for.	304
Campaigns, finance disclosure, reporting, enforcement, and remediable violations	304
Campaigns, finance disclosure, simplifying statutes to focus on major violations.	304

PUBLIC EMPLOYEES' BENEFITS BOARD

Mammography, coverage to include digital breast tomosynthesis, when.	115
--	-----

PUBLIC EMPLOYMENT AND EMPLOYEES (See also COLLECTIVE BARGAINING; COLLEGES AND UNIVERSITIES; COMMUNITY AND TECHNICAL COLLEGES; DISCRIMINATION; EMPLOYMENT AND EMPLOYEES; FERRIES; FINANCIAL MANAGEMENT, OFFICE; HEALTH CARE AUTHORITY; LABOR; LONG-TERM CARE; PROFESSIONS; PUBLIC EMPLOYEES' BENEFITS BOARD; PUBLIC WORKS; RETIREMENT AND PENSIONS; SCHOOLS AND SCHOOL DISTRICTS; SEX OFFENSES AND OFFENDERS; STATE AGENCIES AND DEPARTMENTS; UNEMPLOYMENT COMPENSATION; WORKERS' COMPENSATION)

Civil service qualifications, lawful permanent residents, extending eligibility to	32
Civil service, state, adding part-time employees to	246
Deceased employee, municipal corporation employer indebtedness to, requirements.	57
Leave, military, for officers/employees of state/political subdivisions, calculation of.	99
Roadways and roadsides, work zone workers on, reckless endangerment of.	18
Shared leave program, state employees, provisions	39
State agencies, employees and contractors, background checks, when	19
Women, state-employed, interagency committee of, staffing support for	98

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Unfair labor practice claims, deadline for filing with commission.	252
--	-----

PUBLIC FUNDS AND ACCOUNTS

Abandoned recreational vehicle disposal account, creating	287
Achieving a better life experience program account, Washington, funds use	76
Advanced degrees pathways account, creating.	209
Andy Hill cancer research endowment fund match transfer account	4
Andy Hill cancer research fund, renaming endowment fund as	4
Assisted living facility temporary management account, using funds in	173
Budget stabilization account, appropriations for 2017 wildfires	274
Building code council account, deposit of architect certificate fees in	207
Building code council account, residential and commercial permit fees in	207
Building construction account, state, deposits into and transfers from.	3
Cancer research endowment fund match transfer account, renaming.	4
Cancer research endowment fund, renaming as Andy Hill cancer research fund.	4
Criminal justice treatment account, use of funds for therapeutic courts, when	205
Debt-limit general fund bond retirement account, use of funds from.	3
Department of licensing tuition recovery trust fund, creating	203
Depositories, public, credit unions as	237
Early learning facilities development account, transfers into	3
Early learning facilities revolving account, deposits into	3
Education legacy trust account, depositing certain state property tax revenues in	295
Fair fund, deposits into and expenditures from.	280

SUBJECT INDEX OF 2018 STATUTES

PUBLIC FUNDS AND ACCOUNTS - con't.

Chapter

Farm and forest account, deposits into	3
Financial services regulation fund, deposits into	185
Financial services regulation fund, transfers from	62
Fire protection contractor license fund, limiting uses of	37
Fish and wildlife federal lands revolving account, creating	258
Foreclosure fairness account, certain deposits into	306
Habitat conservation account, deposits into	3
History day account, Washington, creating	127
Home security fund account, certain deposits into, use of	85
Housing trust fund, funding for developmental disability residential living, when	223
Internet consumer access account, creating	5
Landlord mitigation program account, creating	66
Medical student loan account, creating	209
Military department active state service account, certain deposits into	262
Natural resources federal lands revolving account, creating	258
Outdoor recreation account, deposits into	3
Pilotage account, modifying status of	107
Produce safety account, establishing in agricultural local fund	106
Public disclosure transparency account, creating	304
Public employees' and retirees' insurance account, use of funds	260
Public employees' benefits board medical benefits administration account, use of funds	260
Public employees' benefits board, flexible spending administrative account, revising	260
Public employees' benefits board, salary reduction account, revising	260
Rural jobs program match transfer account, creating	254
School employees' benefits board dental benefits administration account, creating	260
School employees' benefits board flexible spending and dependent care administrative account, creating	260
School employees' benefits board medical benefits administrative account, use of funds	260
School employees' benefits board salary reduction account, establishing	260
School employees' insurance account, transfers to and from	260
Seattle Mariners special license plates, account for, creating	67
Secure drug take-back program account, creating	196
Statewide tourism marketing account, creating	275
Student achievement council tuition recovery trust fund, creating	203
Student loan advocate account, creating	62
Student support pathways account, creating	114, 254
Taxable building construction account, state, deposits into and transfers from	3
Washington achieving a better life experience program account, funds use	76
Washington history day account, creating	127
Water pollution control revolving fund, use of funds	152
Watershed restoration and enhancement account, creating	1
Watershed restoration and enhancement bond account, creating	1
Watershed restoration and enhancement bond account, deposits into	3
Watershed restoration and enhancement taxable bond account, creating	1
Watershed restoration and enhancement taxable bond account, deposits into	3

PUBLIC LANDS (See also NATURAL RESOURCES, DEPARTMENT)

Federal land, state good neighbor agreements for restoration activities on	258
Surplus public property, transfer, lease, or disposal for public benefit	217
Surplus state real property suitable for affordable housing, inventory and sale	217
Surplus state-owned real property, disposal, government agency first refusal	217
Trust lands, marbled murrelet habitat conservation impact	255

PUBLIC POLICY, INSTITUTE FOR

Course materials and textbooks, four-year colleges, institute to study	268
Juvenile and adult court jurisdiction, modifications of, institute to study impact of	162
Student loan authority, to refinance loans from bonds, institute to study	62

SUBJECT INDEX OF 2018 STATUTES

Chapter

PUBLIC RECORDS (See RECORDS)

PUBLIC TRANSIT

Public transportation benefit areas, governing bodies, proportional representation	154
Public transportation benefit areas, public works contractor bonds within	89
Public transportation benefit areas, sales and use tax increase, voter approval	53
Regional transit authorities, property tax imposed by, whole-parcel requirement	81

PUBLIC WORKS (See also BONDS; COMMUNITY ECONOMIC REVITALIZATION BOARD; PUBLIC WORKS BOARD; ROADS AND HIGHWAYS; SCHOOLS AND SCHOOL DISTRICTS; TRANSPORTATION; TRANSPORTATION, DEPARTMENT)

Apprentice utilization, certain contracts, agency and contractor requirements	244
Bidding, responsible criteria, to include certain training	243
Contracting and contractors, unit-priced, city authority to use	74
Contracting, unit-priced contracts for	149
Contracting, unit-priced, public port district authority and procedures	149
Contracting, without bids, public port district authority, when	149
Contractors, bonds, within passenger-only ferry service districts	89
Contractors, bonds, within public transportation benefit areas	89
Infrastructure, local financing tool program, excess revenues, carrying forward	178
Prevailing wages, rate of, establishing through collective bargaining agreements	248
Prevailing wages, responsible bidder criteria to include certain training	243
Prevailing wages, worker wages recovery time period under laws governing	242

PUGET SOUND PARTNERSHIP

Vessel traffic and safety, in certain marine waters, report of, partnership role	262
--	-----

RAILROADS

Milwaukee Road corridor, striking certain contingent expirations affecting	279
--	-----

REAL ESTATE AND REAL PROPERTY (See also HOMES AND HOUSING; SUBDIVISIONS; TAXES - PROPERTY TAX)

Common interest, Washington uniform common interest ownership act	277
Deeds of trust, foreclosure, trustee's sale provisions and notice requirements	306
Foreclosure fairness account, modifying certain deposits into	306
Foreclosure fairness act, removing references to home affordable modification program	306
Foreclosure, of deeds of trust, trustee's sale provisions and notice requirements	306
Foreclosure, reverse residential mortgage, mortgagee notice requirements	306
Foreclosures, of deeds of trust, trustee's sale notices, fee for, increasing	306
Insurance, property insurer risk mitigation goods and services for insureds	239
Mortgage, reverse residential, mortgagee notice requirements	306
Nuisance abatement, abandoned residential property in mid-foreclosure	306
Sales, seller disclosure requirements, oil tank insurance statement	289

RECORDS (See also HEALTH AND SAFETY, PUBLIC)

Disclosure, exemptions, certain automatic voter registration database information	110
Disclosure, exemptions, child forensic interviews, audio or video recordings of	171
Disclosure, exemptions, drug take-back program proprietary information	196
Disclosure, exemptions, federal produce safety rule implementation records	106
Disclosure, exemptions, future voter program "pending registration" records	109
Disclosure, exemptions, hops grower lot numbers and laboratory results	170
Disclosure, exemptions, insurer corporate governance annual disclosure	30
Disclosure, exemptions, law enforcement/corrections body camera intimate images	285
Disclosure, exemptions, personally identifiable information about one's religion	303
Disclosure, exemptions, sensitive fish and wildlife data	214
Disclosure, exemptions, voter preregistration records	109

REDISTRICTING COMMISSION (See also ELECTIONS)

Redistricting, noncharter counties, commission role	301
---	-----

SUBJECT INDEX OF 2018 STATUTES

Chapter

RELIGION AND RELIGIOUS ORGANIZATIONS (See also DISCRIMINATION)

Affiliation, religious, requiring employee disclosure of, as unfair labor practice	303
Beliefs, law enforcement actions based on, prohibitions	303
Beliefs, public agency disclosure to federal authorities, prohibitions	303
Jurors, prospective, excluding due to protected class membership, prohibition	23
Personally identifiable information, about person's religion, disclosure exemption	303

RETIREMENT AND PENSIONS

LEOFF plan 2 retirement board, executive director salary	272
LEOFF plan 2, transfer from PERS plan 2 or 3 as firefighter, when	230
PERS, plan 1, increasing monthly benefit	151
PERS, plan 2 or 3, as firefighter at certain facilities, transfer to LEOFF plan 2	230
PSERS, offender and patient nursing care providers, membership, when	241
SERS, tribal school participation	257
TRS, plan 1, increasing monthly benefit	151
TRS, tribal school participation	257
Veteran, defining for various benefits, when	61

REVISED CODE OF WASHINGTON (See also SUNSET REVIEW)

Children, youth, and families, department of, extensive technical changes	58
Obsolete language, certain, removal by code reviser	22
Technical corrections, certain, by code reviser	22

RIVERS AND STREAMS (See also ROADS AND HIGHWAYS; WATER POLLUTION)

Columbia river basin water supply, voluntary regional agreements, extending	72
Flows, instream, voluntary regional agreements, extending expiration	72

ROADS AND HIGHWAYS (See also MOTOR VEHICLES; TRAFFIC; TRANSPORTATION)

Autonomous vehicles, on public roadways, executive/legislative work group	180
Bridges, Tacoma Narrows, debt service repayment, role of nontoll sources	195
State highways, city/town additional responsibilities for streets that are, when	100
Toll facilities, Tacoma Narrows bridge, debt service repayment, role of nontoll sources	195
Work zone workers and vehicles, reckless endangerment of, requirements	18

SALES (See also ALCOHOLIC BEVERAGES; DRUGS; FIREARMS; FOOD AND FOOD PRODUCTS; MOTOR VEHICLES; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)

Firefighting foam, class B, with PFAS chemicals, prohibitions	286
Firefighting personal protective equipment, with PFAS chemicals, requirements	286
Paints/coatings for boats, copper-containing antifouling, prohibitions	94

SCHOOLS AND SCHOOL DISTRICTS (See also BLIND, STATE SCHOOL FOR THE; CHILDHOOD DEAFNESS AND HEARING LOSS, CENTER FOR; COLLECTIVE BARGAINING; PROFESSIONAL EDUCATOR STANDARDS BOARD; RETIREMENT AND PENSIONS; SUPERINTENDENT OF PUBLIC INSTRUCTION, OFFICE (OSPI))

Advanced placement, computer science courses as math equivalent	73
Alternative learning experience courses, remote and site-based	56
Career and technical education, course equivalencies for, increasing	191
Charter schools, school employees' benefits board revisions concerning	260
Civics education, enhanced, demonstration-site districts	127
Civics education, expanded, teacher training program for, establishing	127
Civics, stand-alone course in, requirements	127
College bound scholarship program, various provisions	12, 204
Counselors, psychologists, and social workers, collaboration time, grant program for	200
Counselors, psychologists, and social workers, meeting student mental health needs	200
Day, "school day" duties/responsibilities, work group on, convening	266
Days, instructional, outdoor-based-activity student learning as, curricula for	266

SUBJECT INDEX OF 2018 STATUTES

SCHOOLS AND SCHOOL DISTRICTS - con't.

Chapter

Disabilities, children from birth to 2, early intervention services funding model	261
Districts, elections, district-based	113
Districts, employee compensation regionalization factors, adjacent district increases	266
Dyslexia advisory council, convening	75
Dyslexia, as learning disability, school screening and interventions	75
Education, state board of, revising role of	177
Educational service districts, mental health lead staff person, mental health literacy . .	175
Educational service districts, school employees' benefits board revisions concerning	260
Employees, benefits, school employees' benefits board, revisions for implementing	260
Employees, compensation, regionalization factors, adjacent district increases	266
Employees, new academic, bargaining unit representative access to	250
Employees, paid sick leave, funding in omnibus appropriations act	266
Employees, salaries, full allocation increases for 2018-2019	266
Employees, salaries, increases through inflationary adjustment allocation	266
Employees, salaries, reviewing and rebasing of allocations	266
Employees, unfair labor practices against, deadline for claims in superior court	252
Freedom of expression/speech, in student media, including civil action for relief	125
Funding, basic education, additional comprehensive modifications to ensure	266
Funding, basic education, additional state property tax levy modifications	295
Funding, basic education, additional state property tax levy, lowering rate in 2019	295
Funding, basic education, hold-harmless payments to districts, when	266
Funding, charter schools	266
Funding, employee salaries, full salary allocation increases for 2018-2019	266
Funding, K-3 allocations for smaller class sizes, actual class size, demonstrating, delaying	266
Funding, transportation alternate funding grant program, creating	266
Graduation requirements, high school and beyond plans, requirements and best practices	229
Health care, including mental health care, students needing or receiving	200
Highly capable students, identification and screening of	266
History day program, Washington, transfer to OSPI	127
Indian history, Since Time Immemorial curriculum in teacher preparation programs	144
Indian tribal compact schools, pilot program for cultural and other accommodations	290
Indian tribal schools, salary allocations, applying regionalization factors to	266
Indian tribal schools, TRS and SERS retirement system participation	257
Learning assistance, allocation for high-poverty schools, modifying	266
Levies for schools, enrichment, additional revisions	266
Levies for schools, local effort assistance, revisions	266
Levies for schools, state additional, lowering in 2019	295
Levies for schools, state property tax levies for common schools, additional revisions	295
Meal for students, local meal charge policies, requirements	271
Meal programs, breakfast after start of day, as instructional hours, when	8
Meal programs, breakfast after the bell program models and procedures	8
Meal programs, breakfast after the bell, in high-needs schools	8
Meals for students, hunger-free students' bill of rights act	271
Meals, farm-to-school and small farm direct marketing programs	8
Mental health literacy in schools, fostering	175
Outdoor-based-activity student learning, curricula and instructional days	266
Paraeducators, minimum employment standards and course of study	153
Paraeducators, professional development and oversight	153
Sexual abuse of K-12 students, preventing, model curriculum for	64
Social studies or history classes, student voter sign up and registration in, when	109
Special education, district funding allocation, increasing multiplier for	266
Special education, safety net funding, rules revision for implementation	266
Students, foster youth, best-interest determinations and district liaisons	139
Students, high school, pre- and registered apprenticeship opportunities	228
Students, homeless, hunger-free students' bill of rights act	271

SUBJECT INDEX OF 2018 STATUTES

SCHOOLS AND SCHOOL DISTRICTS - con't.

Chapter

Students, in out-of-home care, best-interest determinations and district liaisons	139
Superintendent of public instruction, office of, revising role of	177
Teachers, certificated instructional staff, supplemental contract requirements	266
Teachers, expanded civics education, training program for, establishing	127
Teachers, preparation programs, Since Time Immemorial Indian history curriculum in	144
Teachers, salaries, full allocation increases for 2018-2019	266
Teachers, salaries, reviewing and rebasing of allocations	266
Transportation alternate funding grant program, creating	266
Washington history day program, transfer to OSPI	127
Work-integrated learning advisory committee, convening	206
Work-integrated learning experiences, initiative/matching grant program, establishing	206

SECRETARY OF STATE (See also ELECTIONS; INITIATIVE AND REFERENDUM; RECORDS)

Vote tallying equipment, random check procedures, office to survey and evaluate	218
Voting, registration, automatic at qualified agencies, process for, secretary role	110
Voting, registration, expedited recording, secretary role	112
Voting, systems, office decertification of, when	218
Voting, systems, security breach, office decertification of system for	218

SECURITIES

Fees, increasing, department of financial institutions role	185
---	-----

SENIOR CITIZENS (See also LONG-TERM CARE; TAXES - PROPERTY TAX; VULNERABLE ADULTS)

Aged, blind, or disabled assistance program, when essential needs program-eligible	48
Property tax exemption program, revisions	46

SENTENCING (See also CRIMES; CRIMINAL OFFENDERS; CRIMINAL PROCEDURE; SEX OFFENSES AND OFFENDERS; TRAFFIC OFFENSES; VICTIMS OF CRIMES)

Firearms, bump-fire stocks for, sentencing provisions	7
Legal financial obligations, court imposing costs on indigent defendant, prohibiting	269
Legal financial obligations, failure to pay not willful noncompliance, when	269
Reckless endangerment of work zone workers, by driver, gross misdemeanor	18

SEX OFFENSES AND OFFENDERS (See also CIVIL PROCEDURE; CRIMINAL PROCEDURE)

Abuse, sexual, of K-12 students, preventing, model curriculum for	64
Assault, nondisclosure policy or agreement, unenforceability, when	118
Assault, sexual assault nurse examiner training and mobile team best practices	88
Assault, sexual assault victims, employment discrimination and safety accommodations	47
Assault, workplace, nondisclosure requirement, prohibiting	117
Harassment, nondisclosure policy or agreement, unenforceability, when	118
Harassment, sexual, workplace safety model policies, stakeholder work group	121
Harassment, workplace, nondisclosure requirement, prohibiting	117
Human trafficking, noncitizen victim U and T certifications	86
Sexually violent predators, reviewing for release or placement	131

SEXUAL ORIENTATION (See also DISCRIMINATION; GENDER IDENTITY; MINORITIES)

Conversion therapy, practicing on minor, as provider unprofessional conduct, when	300
---	-----

SHELLFISH (See also FISHING)

Recreation, shellfish-related, disability designation for persons engaging in	168
---	-----

SHERIFFS AND POLICE CHIEFS, WASHINGTON ASSOCIATION OF (WASPC)

Mental health field response grant program, WASPC role in establishing	142
--	-----

SUBJECT INDEX OF 2018 STATUTES

Chapter

SOCIAL AND HEALTH SERVICES, DEPARTMENT (See also DOMESTIC RELATIONS; FOSTER CARE; LONG-TERM CARE)

Adoption support and related services, forecasting and budgeting, when	208
Adult family homes, provisional license application priority processing, DSHS role . . .	160
Adult residential care/enhanced, new medicaid payment system for, DSHS role	225
Aged, blind, or disabled assistance program, when essential needs program-eligible . . .	48
Assisted living facilities, deficiencies and violations, responses and penalties, DSHS role	173
Assisted living facilities, online information concerning, DSHS role	173
Assisted living facilities, work group for quality metrics for, DSHS to facilitate	173
Assisted living, contracted, new medicaid payment system for, DSHS role	225
Behavioral health authority, designation of state, transferring from DSHS to HCA	201
Behavioral health services, mental health field response grant program	142
Behavioral health, certain DSHS functions, transferring to department of health	201
Child abuse or neglect, family assessment response, provisions	77
Child care, working connections and seasonal, transferring DSHS duties to DCYF	52
Child protective services, forecasting and budgeting, when	208
Child support, income withholding orders from DSHS, electronic funds remittance . . .	150
Child welfare services, network administrators, expanding coverage area of	284
Child welfare services, supervising agency requirement, eliminating	284
Children and family services, behavioral rehabilitation services rates, work group for	208
Children, newborn, safe surrender at health care facilities, DSHS role	182
Dependency proceedings, petitions, exception when DSHS is petitioner	17
Essential needs and housing support program, homeless/at-risk ABD recipient eligibility	48
Foster care services, extended, DSHS role, modifying provisions	34
In-home care, consumer-directed employer program, establishing, DSHS role	278
Interpreters, spoken language services, purchasing from certain providers	253
Juvenile rehabilitation facilities, residential custody services for tribal youth	31
Medicaid, assisted living/adult residential care, new payment system, DSHS role	225
Surplus real property, for affordable housing, inventory of, DSHS role	217
Treatment, parent-initiated process, advisory group to review, DSHS to convene	175
Voter registration, public assistance agencies as qualified agencies for, when	110
WorkFirst, poverty reduction oversight task force, DSHS role	126

SOLID WASTE

Landfills, biogas from, anaerobic digester processing for, tax preference provisions . . .	164
Recreational vehicles, abandoned, wrecking by solid waste disposal site, when	287

SPORTS AND RECREATION

Baseball, Seattle Mariners special license plates, creating	67
College intercollegiate athletic programs, expenditure approval in public meetings, when	292
Football, Seattle Seahawks special license plates, association of generals funding	67
Mentoring, sports mentoring program for underserved youth, establishing	67
Opportunities, sports, for certain persons, association of Washington generals role	67

STATE AGENCIES AND DEPARTMENTS (See also ADMINISTRATIVE

PROCEDURE; BUDGETS; COLLECTIVE BARGAINING; DISCRIMINATION; EMERGENCY, STATE OF; ENTERPRISE SERVICES, DEPARTMENT; FINANCIAL MANAGEMENT, OFFICE; IMMIGRATION, IMMIGRANTS, AND IMMIGRATION STATUS; MINORITIES; PUBLIC EMPLOYMENT AND EMPLOYEES; PUBLIC LANDS; PUBLIC WORKS; RECORDS; RETIREMENT AND PENSIONS)	
Children, youth, and families, department of, office of innovation, alignment, and accountability, duties	208
Commissions, ethnic and cultural diversity, advising legislature	143
Commissions, Hispanic affairs, repealing repeal and termination of provisions	143
Commissions, Washington state women's commission, establishing	98
Ethnicity, public agency disclosure to federal authorities, prohibitions	303
Interpreters, spoken language services, agency purchasing	253
National origin, public agency disclosure to federal authorities, prohibitions	303

SUBJECT INDEX OF 2018 STATUTES

STATE AGENCIES AND DEPARTMENTS - con't.

Chapter

- Religious beliefs, agency disclosure to federal authorities, prohibiting 303
- WorkFirst, legislative-executive WorkFirst poverty reduction oversight task force 126

STATE GOVERNMENT (See also BONDS; BUDGETS; GOVERNOR; LEGISLATURE; PUBLIC WORKS)

- Washington generals, association of, expanding purpose of 67

STUDENT ACHIEVEMENT COUNCIL

- Closures, of degree-granting institutions, SAC tuition recovery trust fund, creating. . . . 203
- Complaints, student complaint portal, SAC role in creating 203
- Course materials, open educational resources grant pilot program, council role 268
- For-profit institutions and private vocational schools, ombuds for, studying. 203
- For-profit institutions and private vocational schools, two-part study, continuing 203
- Student loan advocate, council to designate 62
- Student loans, disbursement via servicer or financial institution, council oversight 13
- Suicide prevention in higher education grant program, establishing, council role. 293

STUDENT FINANCIAL ASSISTANCE, OFFICE (See also COLLEGES AND UNIVERSITIES; COMMUNITY AND TECHNICAL COLLEGES)

- Medical student loan program, establishing, office role 209
- Passport to apprenticeship opportunities program, creating, office role. 232
- Passport to careers program, for homeless or foster youth, creating, office role 232
- Passport to college promise program, eligibility of homeless youth, office role 232

STUDIES

- Colleges, four-year, course materials and textbooks at, studying. 268
- Credit reports, consumer security freeze modifications, evaluating. 54
- For-profit institutions and private vocational schools, ombuds for, studying. 203
- For-profit institutions and private vocational schools, two-part study, continuing 203
- Juvenile and adult court jurisdiction, modifications of, impact of, studying 162
- Native American women, missing, resources for reporting and identifying of, studying 101
- School meal programs, breakfast after the bell, analyzing 8
- Student loan authority, to refinance loans from bonds, studying impact of. 62

SUBDIVISIONS (See also REAL ESTATE AND REAL PROPERTY)

- Water supply, adequate provisions for 1

SUNSET REVIEW

- Hispanic affairs, commission, repealing repeal and termination of provisions 143
- Underground storage tank program, delaying termination and repeal 194

SUPERINTENDENT OF PUBLIC INSTRUCTION, OFFICE (OSPI) (See also PROFESSIONAL EDUCATOR STANDARDS BOARD; SCHOOLS AND SCHOOL DISTRICTS)

- Career and technical education, course equivalencies for, increasing, OSPI role 191
- Civics education, enhanced, demonstration-site districts, OSPI role 127
- Civics education, expanded, teacher training program for, establishing, OSPI role 127
- Day, "school day" duties/responsibilities, work group on, convening, OSPI role 266
- Days, instructional, outdoor-based-activity student learning as, OSPI role 266
- Dyslexia advisory council, OSPI to convene 75
- High school and beyond plans, requirements and best practices, OSPI role 229
- History day program, Washington, transfer to OSPI 127
- Meal programs, OSPI role. 8, 271
- Mental health literacy in schools, OSPI role. 175
- Mental health, professional collaboration lighthouse grant program, OSPI role 200
- Native education, office of, duties of 290
- Outdoor-based-activity student learning, curricula and instructional days, OSPI role. . . . 266
- Power and duties, various, exchanging and aligning with state board of education. 177
- Pre- and registered apprenticeship opportunities for high school students, OSPI role. . . . 228
- Sexual abuse of K-12 students, preventing, model curriculum for, OSPI role. 64
- Special education, safety net funding, rules revision for implementation, OSPI role 266
- Transportation alternate funding grant program, creating, OSPI role 266

SUBJECT INDEX OF 2018 STATUTES

SUPERINTENDENT OF PUBLIC INSTRUCTION, OFFICE - con't.	Chapter
Washington history day program, transfer to OSPI	127
Work-integrated learning advisory committee, OSPI to convene.	206
Work-integrated learning experiences, initiative/matching grant program, OSPI role.	206
TAX APPEALS, BOARD	
Administrative duties and procedures, modifying	174
Membership, modifying	174
TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC. (See also LEGISLATIVE AUDIT AND REVIEW COMMITTEE, JOINT)	
Accountable communities of health, certain incentive payments, B&O tax deduction	102
Biogas, landfill, anaerobic digester processing for, tax preference provisions	164
Developmental disabilities, residential living properties, real estate excise tax exemption	223
Disabilities, persons retired due to, property tax exemption program	46
Electrolytic processing, electricity sales to, public utility tax exemption, extending	146
Fuel, extracted, use tax exemption for, narrowing to biomass fuel, revising effective date	92
Homeownership development, low-income by nonprofit, property tax exemption	103
Real estate excise tax, exemption for certain low-income housing transfers	221
Real estate excise tax, exemption for certain real property transfers, revising.	223
Senior citizens, property tax exemption program	46
Veterans with disabilities, adaptive automobile equipment sales and use tax exemptions	130
Veterans, total disability, property tax exemption program	46
TAXES - EXCISE (See also TAX APPEALS, BOARD; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)	
Local infrastructure financing tool program, excess revenues, carrying forward.	178
TAXES - LODGING TAX	
Lodging premises, with fewer units, applying King Co. convention center tax to.	245
TAXES - OIL SPILL ADMINISTRATION	
Pipelines, certain tax provisions to include.	262
TAXES - OIL SPILL RESPONSE	
Pipelines, certain tax provisions to include.	262
TAXES - PROPERTY TAX (See also TAX APPEALS, BOARD; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)	
Assessments, review of, valuation criteria	24
Emergency medical services, levy for, placing countywide proposal on ballot	136
Equalization, county board of, petitions to and appeals before	24
Levies for schools, enrichment, additional revisions	266
Levies, for emergency medical services, placing countywide proposal on ballot	136
Levies, for schools, additional property tax levy modifications	266
Levies, for schools, local effort assistance, revisions	266
Levies, for schools, state additional, lowering in 2019.	295
Levies, for schools, state property tax levies for common schools, additional revisions	295
Local infrastructure financing tool program, excess revenues, carrying forward.	178
Regional transit authorities, property tax imposed by, whole-parcel requirement	81
State property tax, additional for schools, additional modifications.	295
State property tax, additional for schools, rate, lowering in 2019	295
TAXES - SALES (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)	
Local sales and use, increase by public transportation benefit area, voter approval.	53

SUBJECT INDEX OF 2018 STATUTES

Chapter

TAXES - USE (See also TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.)	
Local sales and use, increase by public transportation benefit area, voter approval	53
TAXES, GENERALLY (See also TAX APPEALS, BOARD)	
Federal tax information access, state employee/contractor background checks	19
TELECOMMUNICATIONS (See also COMPUTERS)	
Electrician licensing/certification rules, state, city and town enforcement, when	240
Internet, retail services via telecommunications, PUD provision of	186
Military service members, active duty, terminating services contracts	197
Port districts, telecommunications services, district authority to provide	169
Public utility districts, providing retail internet telecommunications services	186
TIME	
Daylight saving time, start and end dates, conforming to federal law	22
TOURISM	
Statewide tourism marketing program, marketing authority, and account, creating	275
Washington tourism marketing authority, establishing	275
TOWING AND TOW TRUCKS	
License plate indicator tabs, for operators applying for certain licenses	135
Recreational vehicles, abandoned, transport, storage, dismantling, and disposal of	287
Transporter, hulk hauler, scrap processor, or wrecker business, using tow truck for	135
TRAFFIC (See also BICYCLES; DRIVERS AND DRIVERS' LICENSES; MOTOR VEHICLES; ROADS AND HIGHWAYS; TOWING AND TOW TRUCKS; TRAFFIC OFFENSES)	
Autonomous vehicles, on public roadways, executive/legislative work group	180
Bicycles, electric-assisted, use of	60
Work zone workers and vehicles, requirements for drivers	18
TRAFFIC OFFENSES (See also MOTOR VEHICLES)	
Commercial vehicle, driver medical certificate, driving when not complying	49
Reckless endangerment of work zone workers, gross misdemeanor	18
TRANSPORTATION (See also FERRIES; MOTOR VEHICLES; OIL AND GAS; PUBLIC TRANSIT; RAILROADS; ROADS AND HIGHWAYS; SCHOOLS AND SCHOOL DISTRICTS; TRAFFIC; TRANSPORTATION, DEPARTMENT)	
Agricultural transporters, planting/harvesting seasons, federal exemption purposes	33
Autonomous vehicles, on public roadways, executive/legislative work group	180
Budget, supplemental 2017-2019	297
Motor vehicle transporters, license for, issuance to repair facilities	16
Public service companies, annual reports, failing to file, penalties	104
Semitrailers or two trailers, maximum length exception for, when	105
TRANSPORTATION COMMISSION (See also TRANSPORTATION; TRANSPORTATION, DEPARTMENT)	
Autonomous vehicles, on public roadways, executive/legislative work group, TC to convene	180
Bridges, Tacoma Narrows, debt service repayment, commission role	195
TRANSPORTATION, DEPARTMENT (See also ROADS AND HIGHWAYS; TRANSPORTATION; TRANSPORTATION COMMISSION)	
Milwaukee Road corridor, striking certain contingent expirations affecting	279
TREASURER, STATE	
Warrants, bonds, and other instruments, lost or destroyed, treasurer role	35

SUBJECT INDEX OF 2018 STATUTES

Chapter

UNEMPLOYMENT COMPENSATION

- Aquaculture, nonnative finfish, certain employees as dislocated workers 179
- Educational institutions, employees employed by multiple, benefits for, when 97

UTILITIES (See also AIR QUALITY AND POLLUTION; TAX PREFERENCES - EXEMPTIONS, CREDITS, DEDUCTIONS, DEFERRALS, ETC.; UTILITIES AND TRANSPORTATION COMMISSION)

- Electricity sales to electrolytic processors, public utility tax exemption, extending 146
- Public service companies, annual reports, failing to file, penalties 104
- Public utility districts, elections, district-based. 113
- Public utility districts, providing retail internet telecommunications services 186
- Wastewater, publicly owned industrial treatment facilities, pollution control loans to. 152

UTILITIES AND TRANSPORTATION COMMISSION (See also OIL AND GAS; RAILROADS; TRANSPORTATION; UTILITIES)

- Public service companies, annual reports, failing to file, penalties, UTC role 104
- Tariffs, pilotage, duty to establish, transferring to UTC. 107

VETERANS (See also MILITARY; VETERANS AFFAIRS, DEPARTMENT)

- Benefits, various, defining "veteran" for, when 61
- Disabilities, veterans with, adaptive automobile equipment sales and use tax exemptions 130
- Disabilities, veterans with, fishing/hunting license donation program for 90
- Disabilities, veterans with, property tax exemption program 46
- Driver's license, veteran designation on, via documents establishing eligibility 69
- Higher education tuition/fees waiver, for child or spouse, to include stipend, when . . . 129
- Higher education, enhanced suicide prevention/behavioral health services 293
- Homes, veterans', replacing "superintendent" with "administrator". 45
- Opportunities, education/sports/employment, association of WA generals role 67
- Property tax exemption program, veterans with total disabilities 46

VETERANS AFFAIRS, DEPARTMENT (See also VETERANS)

- Directors, deputy and assistant, appointment by director 45

VETERINARIANS (See also ANIMALS; HORSES)

- Emergency volunteer health practitioners act, uniform 184
- Inspection, certificate of veterinary, for animal brought into state to feedlot. 281

VICTIMS OF CRIMES (See also CRIMES; ORDERS OF COURT; SEX OFFENSES AND OFFENDERS)

- Child abuse or neglect, child forensic interview audio or video recordings 171
- Crime victim certification steering committee, convening 86
- Crime victims advocacy, office, sexual assault nurse examiner practices/training 88
- Domestic violence victims, employment discrimination and safety accommodations. . . 47
- Domestic violence victims, shelters for, impact fees exemption, when 133
- Human trafficking, noncitizen victims, U and T nonimmigrant visas for 86
- Interpreters, spoken language services, purchasing for certain victims 253
- Sexual assault, nurse examiners, training and mobile team best practices for 88

VOCATIONAL EDUCATION

- Financial aid, loan disbursement via servicer or financial institution. 13
- Financial aid, private vocational school unfair practices, student protections 203
- High school and college course alignment, relation to pre-apprenticeship programs . . 228
- Private vocational schools, student complaint portal, creating 203
- Private vocational schools, unfair practices, student ombuds, and requirements 203
- Study of private vocational schools and for-profit institutions, continuing 203
- Unfair business practices, by private vocational schools, violations/penalties. 203

VULNERABLE ADULTS (See also DEVELOPMENTAL DISABILITIES, INDIVIDUALS WITH; LONG-TERM CARE)

- Abuse or neglect, medicaid fraud control unit, establishing. 238

SUBJECT INDEX OF 2018 STATUTES

Chapter

WAGES AND HOURS (See also EMPLOYMENT AND EMPLOYEES; FINANCIAL MANAGEMENT, OFFICE; PUBLIC EMPLOYMENT AND EMPLOYEES; PUBLIC WORKS; SCHOOLS AND SCHOOL DISTRICTS; UNEMPLOYMENT COMPENSATION)	
Retaliation and discrimination against employees, protections	116
Wages, equal pay for men and women	116
Wages, municipal corporation employer indebted to deceased employee	57
Wages, state patrol trooper and sergeant salaries, competitive	140
WATER (See also WATER POLLUTION; WATER RIGHTS)	
Potable water, adequate supply evidence with building permit application	1
Potable water, ensuring public supply of, certain rules as guide	1
Watershed and fisheries restoration and enhancement bonds, issuance	3
Watershed restoration and enhancement committees and plans, establishing	1
Watershed restoration and enhancement program, establishing	1
Wells, permit-exempt, report as potable water supply evidence	1
WATER POLLUTION (See also COMMERCIAL VESSELS AND SHIPPING; OIL AND GAS; POLLUTION LIABILITY INSURANCE AGENCY)	
Facilities, pollution control, loans to publicly owned industrial wastewater treatment facilities	152
Paints/coatings for boats, copper-containing antifouling, replacing	94
Wastewater, publicly owned industrial treatment facilities, pollution control loans to	152
Wastewater, treatment plant operator certification, fees	213
Water pollution control revolving fund, use of funds	152
WATER RIGHTS (See also WATER)	
Columbia river basin water supply, voluntary regional agreements, extending	72
Flows, instream, voluntary regional agreements, extending expiration	72
Groundwater withdrawals, joint task force on water resource mitigation, establishing	1
Groundwater withdrawals, new, pilot projects to measure use	1
Groundwater withdrawals, permit-exempt, certain rules as guide	1
WILDLIFE (See also HUNTING)	
Data, sensitive, concerning wildlife, confidentiality agreements	214
Marbled murrelet, advisory committee, appointing	255
Marbled murrelet, habitat conservation reporting and committee	255
New location, placing wildlife in, notice and hearing	212
Oil spills, response and management, wildlife rehabilitation and recovery as part of	262
Wildland urban interface code, international, adoption	189
WOMEN (See also ABORTION; DISCRIMINATION)	
19th amendment to U.S. constitution, centennial of, preparing to commemorate	98
Abortion, health plan coverage for	119
Birth control/reproductive health care coverage, requirements	119
Breast density, mammographic, communication to patients	122
Contraception, health plan coverage for	119
Depression, maternal depression diagnosis/treatment, program for	288
Depression, partnership access line for moms and kids program	288
Employment, equal opportunities for men and women	116
History consortium, women's, role in commemorating national women's suffrage	98
Mammography, insurance coverage to include digital breast tomosynthesis, when	115
Native American women, missing, reporting and identifying of, studying resources for	101
Pregnancy and childbirth, doula or midwifery services for incarcerated women	41
Pregnancy disability and parental leave, state shared leave program to include	39
Pregnancy, genetic and gestational surrogacy agreements	6
Sexual assault, employment discrimination protections and safety accommodations	47
Sexual harassment, workplace safety model policies, stakeholder work group	121
State-employed women, interagency committee of, staffing support for	98
Voting, national women's suffrage, commemoration of centennial of, preparing for	98
Wages, equal pay for men and women	116

SUBJECT INDEX OF 2018 STATUTES

WOMEN - con't.

Chapter

- Women's commission, Washington state, establishing in governor's office 98
- Women's commission, Washington state, role in commemorating women's suffrage . . . 98

WORKER TRAINING AND WORKFORCE NEEDS (See also APPRENTICES AND APPRENTICESHIP PROGRAMS; WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD)

- Child care, impact of accessibility, child care collaborative task force, convening 91
- Future of work, task force on, establishing 294
- Opportunities, educational/employment, association of Washington generals role 67
- Rural county high employer demand jobs program, establishing 254

WORKERS' COMPENSATION

- Disabilities, temporary or permanent total, social security offset, modifying 163
- Firefighters, occupational disease presumptions, posttraumatic stress disorder 264
- Hanford nuclear site, former employees, occupational disease presumption, when 9
- Industrial insurance, state fund and self-insured liabilities calculation methods 282
- Interpreters, spoken language, purchasing for certain services providers 253
- Law enforcement officers, occupational disease presumptions, PTSD 264
- Occupational diseases, presumption of, posttraumatic stress disorder 264
- Occupational diseases, presumption of, various medical conditions 9

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD (See also VOCATIONAL EDUCATION)

- Future of work, task force on, duties of board under direction of 294
- Vocational schools, private, student complain portal, board role 203
- Work-integrated learning advisory committee, board role in convening 206

STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

For information on Initiatives to the People, see <http://secstate.wa.gov/elections/initiatives/statistics.aspx>. For additional information, call the Office of the Secretary of State at (360) 902-4180.

INITIATIVES TO THE LEGISLATURE

For information on Initiatives to the Legislature, see <http://secstate.wa.gov/elections/initiatives/statistics.aspx>. For additional information, call the Office of the Secretary of State at (360) 902-4180.

REFERENDUM MEASURES

For information on Referendum Measures, see <http://secstate.wa.gov/elections/initiatives/statistics.aspx>. For additional information, call the Office of the Secretary of State at (360) 902-4180.

REFERENDUM BILLS

For information on Referendum Bills, see <http://secstate.wa.gov/elections/initiatives/statistics.aspx>. For additional information, call the Office of the Secretary of State at (360) 902-4180.

HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED SINCE STATEHOOD

- No. 1. Section 5, Article XVI. Re: **Permanent School Fund.** Adopted November, 1894.
- No. 2. Section 1, Article VI. Re: **Qualification of Electors.** Adopted November, 1896.
- No. 3. Section 2, Article VII. Re: **Uniform Rates of Taxation.** Adopted November, 1900.
- No. 4. Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1904.
- No. 5. Section 1, Article VI. Re: **Equal Suffrage.** Adopted November, 1910.
- No. 6. Section 10, Article III. Re: **Succession in Office of Governor.** Adopted November, 1910.
- No. 7. Section 1, Article II. Re: **Initiative and Referendum.** Adopted November, 1912.
- No. 8. Adding Sections 33 and 34, Article I. Re: **Recall.** Adopted November, 1912.
- No. 9. Section 16, Article I. Re: **Taking of Private Property.** Adopted November, 1922.
- No. 10. Section 22, Article I. Re: **Right of Appeal.** Adopted November, 1922.
- No. 11. Section 4, Article VIII. Re: **Appropriation.** Adopted November, 1922.
- No. 12. Section 5, Article XI. Re: **Consolidation of County Offices.** Adopted November, 1924.
- No. 13. Section 15, Article II. Re: **Vacancies in the Legislature.** Adopted November, 1930.
- No. 14. Article VII. Re: **Revenue and Taxation.** Adopted November, 1930.
- No. 15. Section 1, Article XV. Re: **Harbors and Harbor Areas.** Adopted November, 1932.
- No. 16. Section 11, Article XII. Re: **Double Liability of Stockholders.** Adopted November, 1940.
- No. 17. Section 2, Article VII. Re: **40-Mill Tax Limit.** Adopted November, 1944.
- No. 18. Adding Section 40, Article II. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only.** Adopted November, 1944.
- No. 19. Adding Section 3, Article VII. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow.** Adopted November, 1946.
- No. 20. Adding Section 1, Article XXVIII. Re: **Legislature to fix the salaries of state elective officials.** Adopted November, 1948.
- No. 21. Section 4, Article XI. Re: **Permit counties to adopt "Home Rule" charters.** Adopted November, 1948.
- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials.** (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.
- No. 23. Adding Section 16, Article XI. Re: **Permitting the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more.** Adopted November, 1948.
- No. 24. Article II, Section 33. Re: **Permitting ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 25. Adding Section 3(a), Article IV. Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. Adding Section 41, Article II. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. Section 6, Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. Sections 6 and 10, Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. Article II, Section 33. Re: **Redefining "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.
- No. 30. Adding Section 1A, Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.
- No. 32. Section 2, Article XV. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.
- No. 33. Section 1, Article XXIV. Re: **Modification of state boundaries by compact.** Adopted November, 1958.
- No. 34. Section 11, Article I. Re: **Employment of chaplains at state institutions.** Adopted November, 1958.
- No. 35. Section 25, Article II. Re: **Pensions and Employees' Extra Compensation.** Adopted November, 1958.
- No. 36. Section 1, Article II by adding a new subsection (e). Re: **Publication and Distribution of Voters' Pamphlet.** Adopted November, 1962.
- No. 37. Section 1, Article XXIII. Re: **Publication of Proposed Constitutional Amendments.** Adopted November, 1962.
- No. 38. Adding Section 2(c), Article IV. Re: **Temporary Performance of Judicial Duties.** Adopted November, 1962.
- No. 39. Adding Section 42, Article II. Re: **Governmental Continuity During Emergency Periods.** Adopted November, 1962.
- No. 40. Section 10, Article XI. Re: **Lowering minimum population for first class cities from 20,000 to 10,000. Also changing newspaper publication requirements for proposed charters.** Adopted November, 1964.
- No. 41. Section 29, Article IV. Re: **Election of Superior Court Judges.** Adopted November, 1966.
- No. 42. Repealing Section 33, Article II and Amendments 24 and 29. Re: **Alien Ownership of Lands.** Adopted November, 1966.
- No. 43. Section 3, Article IX. Re: **Funds for Support of the Common Schools.** Adopted November, 1966.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 44. Section 5, Article XVI. Re: **Investment of Permanent Common School Fund.** Adopted November, 1966.
- No. 45. Adding Section 8, Article VIII. Re: **Port Expenditures—Industrial Development—Promotion.** Adopted November, 1966.
- No. 46. Adding Section 1A, Article VI. Re: **Voter Qualifications for Presidential Elections.** Adopted November, 1966.
- No. 47. Adding Section 10, Article VII. Re: **Retired Persons Property Tax Exemption.** Adopted November, 1966.
- No. 48. Section 3, Article VIII. Re: **Public Special Indebtedness, How Authorized.** Adopted November, 1966.
- No. 49. Adding Section 1, Article XXIX. Re: **Investments of Public Pension and Retirement Funds.** Adopted November, 1968.
- No. 50. Adding Section 30, Article IV. Re: **Court of Appeals.** Adopted November, 1968.
- No. 51. Adding Section 9, Article VIII. Re: **State Building Authority.** Adopted November, 1968.
- No. 52. Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office.** Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office.** Adopted November, 1968.
- No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use.** Adopted November, 1968.
- No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term.** Adopted November, 1968.
- No. 55. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 56. Section 24, Article II. Re: **Lotteries and Divorce.** Adopted November, 1972.
- No. 57. Section 5, Article XI. Re: **County Government.** Adopted November, 1972.
- No. 58. Section 16, Article XI. Re: **Combined City-County.** Adopted November, 1972.
- No. 59. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 60. Section 1, Article VIII. Re: **State Debt.** Also amending Section 3, Article VIII. Re: **Special Indebtedness, How Authorized.** Approved November, 1972.
- No. 61. Adding new Article XXXI. Re: **Sex Equality, Rights and Responsibilities.** Adopted November, 1972.
- No. 62. Section 12, Article III. Re: **Veto Power.** Adopted November, 1974.
- No. 63. Section 1, Article VI. Re: **Qualifications of Electors.** Adopted November, 1974.
- No. 64. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1976.
- No. 65. Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Also amending Section 10, Article IV. Re: **Justices of the Peace.** Adopted November, 1976.
- No. 66. Section 18, Article XII. Re: **Rates for Transportation.** Adopted November, 1977.
- No. 67. Repealing Section 14, Article XII. Re: **Prohibition Against Combinations by Carriers.** Adopted November, 1977.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 68. Section 12, Article II. Re: **Legislative Sessions, When—Duration.** Adopted November, 1979.
- No. 69. Section 13, Article II. Re: **Limitation on Members Holding Office in the State.** Adopted November, 1979.
- No. 70. Adding Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1979.
- No. 71. Adding Section 31, Article IV. Re: **Judicial Qualifications Commission—Removal, Censure, Suspension, or Retirement of Judges or Justices.** Adopted November, 1980.
- No. 72. Sections 1 and 1(a), Article II. Re: **Legislative Powers, Where Vested and Initiative and Referendum, Signatures Required.** Adopted November, 1981.
- No. 73. Adding Section 1, Article XXXII. Re: **Special Revenue Financing.** Adopted November, 1981.
- No. 74. Adding Section 43, Article II. Re: **Redistricting.** Adopted November, 1983.
- No. 75. Section 1, Article XXIX. Re: **May be Invested as Authorized by Law.** Adopted November, 1985.
- No. 76. Adding Section 11, Article VIII. Re: **Agricultural Commodity Assessments—Development, Promotion, and Hosting.** Adopted November, 1985.
- No. 77. Section 31, Article IV. Re: **Commission on Judicial Conduct—Removal, Censure, Suspension, or Retirement of Judges or Justices—Proceedings.** Adopted November, 1986.
- No. 78. Section 1, Article XXVIII. Re: **Salaries for Legislators, Elected State Officials, and Judges—Independent Commission—Referendum.** Adopted November, 1986.
- No. 79. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1986.
- No. 80. Section 7, Article IV. Re: **Exchange of judges—Judge Pro Tempore.** Adopted November, 1987.
- No. 81. Section 1, Article VII. Re: **Taxation.** Adopted November, 1988.
- No. 82. Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1988.
- No. 83. Section 3, Article VI. Re: **Who disqualified.** Also amending Section 1, Article XIII. Re: **Educational, reformatory and penal institutions.** Adopted November, 1988.
- No. 84. Adding Section 35, Article I. Re: **Victims of Crimes—Rights.** Adopted November, 1989.
- No. 85. Section 31, Article IV. Re: **Commission on Judicial Conduct.** Adopted November, 1989.
- No. 86. Section 10, Article VIII. Re: **Energy and Water Conservation Assistance.** Adopted November, 1989.
- No. 87. Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Adopted November, 1993.
- No. 88. Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1993.
- No. 89. Section 3, Article 4. Re: **Election and Terms of Supreme Court Judges.** Adopted November, 1995.
- No. 90. Section 2, Article VII. Re: **Limitation on levies.** Adopted November, 1997.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 91. Section 10, Article VIII. Re: **Energy, water, or stormwater or sewer services conservation assistance.** Adopted November, 1997.
- No. 92. Section 1, Article VIII. Re: **State debt.** Adopted November, 1999.
- No. 93. Section 1, Article XXIX. Re: **May be invested as authorized by law.** Adopted November, 2000.
- No. 94. Section 7, Article IV. Re: **Exchange of judges - Judge pro tempore.** Adopted November, 2001.
- No. 95. Section 2, Article VII. Re: **Limitation on levies.** Adopted November, 2002.
- No. 96. Section 15, Article II. Re: **Vacancies in legislative and in partisan county elective office.** Adopted November 2003.
- No. 97. Section 31, Article IV. Re: **Commission on judicial conduct.** Adopted November, 2005.
- No. 98. Section 1, Article VII. Re: **Taxation.** Adopted November 2006.
- No. 99. Section 12, Article VII. Re: **Budget stabilization account.** Adopted November 2007.
- No. 100. Section 29, Article II. Re: **Convict labor.** Adopted November 2007.
- No. 101. Section 2, Article VII. Re: **Limitation of levies.** Adopted November 2007.
- No. 102. Section 6, Article XVI. Re: **Investment of higher education permanent funds.** Adopted November 2007.
- No. 103. Section 1, Article VIII. Re: **State debt.** Adopted November 2010.
- No. 104. Section 20, Article I. Re: **Bail, when authorized.** Adopted November 2010.
- No. 105. Section 1A, Article VI. Re: **Voter qualifications for presidential elections.** Adopted November 2011.
- No. 106. Section 12, Article VII. Re: **Budget stabilization account.** Adopted November 2011.
- No. 106. Section 12, Article VII. Re: **Budget stabilization account.** Adopted November 2011.
- No. 107. Section 1, Article VIII. Re: **State debt.** Adopted November 2012.
- No. 108. Section 43, Article II. Re: **Redistricting.** Adopted November 2016.

