

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 6, 2024

The House was called to order at 12:00 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Taylor Curzon and Gregory Waldref. The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Erin Jones, author, educator, TEDx and motivational speaker, and member of "The Gathering" Christian community.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2024-4697**, by Representatives Jinkins, Stokesbary, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, and Ybarra

WHEREAS, Isaac I. Stevens was the first governor of what was then the Washington Territory, and he designated Olympia as the capital in 1853 since he was already staying at the Courtyard by Marriott so it was pretty convenient and would be even more so once I-5 was built, and he was tired of traipsing around the state looking for capitals; and

WHEREAS, Olympia continued to serve as the capital after Washington became the 42nd and, if we're being honest, best state in our union in 1889; and

WHEREAS, The House of Representatives would meet to debate policy and pass laws, but everyone noticed that not a lot of work was really getting done out in the chamber, so they decided that what they needed was a room where that work could get done, and someone said, "Hey, we should just call it the Workroom," so that's what they did; and

WHEREAS, Many decades later, while all her schoolmates were dreaming of going to the moon or becoming president, a young Maureen Mueller, set her sights even higher, deciding that she would leave her native Orange County, California, and become the supervisor of that Workroom; and

WHEREAS, Everyone discouraged Maureen from her dream of being in that Workroom because everyone knew that the hours were crazy and the coffee was terrible, but Maureen knew that they could not see past the chaos of Session into the splendor of Interim; and

WHEREAS, After first working in software in San Francisco, she moved to Washington and came to work in the House, beginning first as session Committee Legislative Assistant for the Office of Program Research in December 1995 for the 1996 and 1997 sessions; after which OPR wisely hired her on a permanent basis in 1999; but even then she knew that was not her true calling and she could see firsthand that the Workroom was in need of some major, well, work; and

WHEREAS, In 2010, Maureen finally fulfilled her destiny of working in the Workroom as Workroom Coordinator, promoting to

Workroom Supervisor in 2016 and immediately setting to work sorting everything out and spending extra time on what are legally known as "the fiddly bits" of legislative paperwork that you probably never paid attention to but, oh boy, you'd sure notice in a hurry if she wasn't there making that stuff work out; and

WHEREAS, This is as good a time as any to remark that no one here really calls her Maureen because she is affectionately known as Moe, which is why you could be forgiven if you didn't know who Maureen is because you were thinking of a Moe who did all those crucial things for the House; and

WHEREAS, Not a lot is known about Maureen's home life, as no one even thought to check if she even ever leaves the Workroom until we started putting this resolution together, but in all seriousness, as well as devoting substantial time and energy to the House, she and her husband Warren raised two children, Malorie (Malley) and Aleksei (Alex); are loving grandparents to their grandson Robert (Bertie); and find time to restore historic homes and travel the world, including Thailand, Morocco, China, Egypt, Greece, Germany, Cambodia, and France. Further, she clearly never sleeps because she routinely prepares amazing cuisine and treats to sustain the Workroom and rostrum staff through 20-hour floor sessions; and

WHEREAS, Moe has bizarrely decided to leave her beloved Workroom and retire to another beloved place in France, which is probably a lot like the Workroom only with everything in French and less rainy; and

WHEREAS, Everyone should be very happy for Moe's retirement, and we would be, except there's still the matter of all those fiddly bits in the Workroom that she handles, and that stuff is still going to need to get done while she's off galivanting around in France;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hereby direct the Chief Clerk to look into Moe's paperwork and take such steps as may be necessary or advisable to deny her retirement; and

BE IT FURTHER RESOLVED, That whatever must be done to prevail upon Moe to stay on in her Workroom for just a couple more decades be done, including maybe getting her some Yoplait or something so it feels a little like France in there; and

BE IT FURTHER RESOLVED, That if Moe cannot be made to stay on, then we reluctantly wish her the best and urge everyone to join with us to celebrate and honor the life, legacy, work, service, and general awesomeness of Maureen Mueller.

Representative Santos moved adoption of HOUSE RESOLUTION NO. 4697.

Representatives Santos and Maycumber spoke in favor of the adoption of the resolution.

## SPEAKER'S PRIVILEGE

The Speaker thanked Maureen Mueller for her contributions and years of service to the House.

HOUSE RESOLUTION NO. 4697 was adopted.

## RESOLUTION

**HOUSE RESOLUTION NO. 2024-4699**, by Representatives Jinkins, Stokesbary, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris,

Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, and Ybarra

WHEREAS, Lisa Fenton was born in Portland, Oregon to Mike and Linda Higginbotham and grew up with brother Scott and sister Daina all over the county as her father was transferred to San Jose, California; Bellevue, Washington; Denver, Colorado; Olympia, Washington; and Burnsville, Minnesota; and

WHEREAS, Lisa eventually moved from Pullman back to Olympia, where she began her career with the legislature in October 1984; and

WHEREAS, Between 1984 and 1998 she worked in the Senate five years and then transferred to the House of Representatives, serving in the capacities of legislative assistant and senior legislative assistant, and in the chief clerk's office; and

WHEREAS, She took a two-year hiatus from the legislature between 1998 to 2000, to work as an account executive in a local advertising agency; and

WHEREAS, She returned to the House of Representatives in 2000, acting as a public information officer until 2007 and assuming the role of communications director for the house republican caucus between 2007 to 2012; and

WHEREAS, Between 2012 and 2024, she ably, loyally, and courageously served as chief of staff, AKA Right-Hand-Woman, to four sets of house republican leaders, earning their trust, respect, and admiration; and

WHEREAS, Said leaders describe her as "an absolute professional" who has "earned the respect of legislative members and staff across the capitol campus on both sides of the aisle and the Third House"; the "hardest working woman in Olympia, with the biggest heart"; "probably one of the best additions to the House of Representatives that I know of"; and a defender of the institution, which in the end promoted not only the interests of her members and staff, but also of the people of the state of Washington; and

WHEREAS, As chief of staff she promoted her values of fairness, inclusiveness, consideration, kindness, respect, and providing growth opportunities for all staff. She consistently promoted "teams" well before "Teams"; and

WHEREAS, We will miss her fun-loving sense of humor and the fact that you can get her to laugh so hard she cries, which lights the mood during a 20-hour floor session; and

WHEREAS, She balanced the substantial demands of her career at the legislature with her role as devoted wife and partner to Mike Fenton and dedicated mom to sons Ben and Sam, and stepdaughters Rachel and Palen; and

WHEREAS, The pull of being a grandma to her adorable grandson David is contributing to her decision to abandon us and focus on family; and

WHEREAS, We will be green with envy, but happy for her and Mike, when she sends us photos of them relaxing in Mexico, their home away from home, during the months of January through April; and

WHEREAS, We will miss her cheerful greeting, "Hello, sunshine," because she is *our* sunshine and please don't take our sunshine away; and

WHEREAS, We must get through the stages of grief and let her go, because she has given her heart and soul to serving the legislature, members, staff, and the people of the state of Washington, and she deserves a long, healthy, and happy retirement with Mike, their family, and their beloved dogs Winnie and Cubby;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington salute and celebrate Lisa Fenton for her dedicated service to the legislature and, indeed, to the people of the entire state of Washington.

Representative Wilcox moved adoption of HOUSE RESOLUTION NO. 4699.

Representative Wilcox spoke in favor of the adoption of the resolution.

### SPEAKER'S PRIVILEGE

The Speaker thanked Lisa Fenton for her contributions and years of service to the House.

HOUSE RESOLUTION NO. 4699 was adopted.

### RESOLUTION

**HOUSE RESOLUTION NO. 2024-4698**, by Representatives Jinkins, Stokesbary, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, and Ybarra

WHEREAS, Everyone agrees that not much really happened in the 1960s, except for the very notable and wonderful birth of Patty Moore; and

WHEREAS, The 1970s were similarly uneventful and boring, except for Patty inventing disco and then founding Studio 54 so that there would be a place to play this amazing music and hang out with celebrities; and

WHEREAS, It may be the case that Patty did not really invent disco or found Studio 54, but no one really remembers the 70s clearly and that's a better story than her simply graduating from Olympia High School, which she did do and it's actually pretty noteworthy; and

WHEREAS, Patty had lived for many years in Olympia without really noticing the big domed building, but one day she saw it and decided to wander in and see what it was all about; and

WHEREAS, The big domed building turned out to be the Legislative Building, and Patty would go from hardly noticing it to hardly leaving it from about 1989 on, as she started working for the Secretary of State and then was a Legislative Assistant in the House of Representatives, but then she made the only misstep of her otherwise storied career, as she went to work for The Other Chamber for about a year before realizing that The Other Chamber would need a lot more work than even her considerable talents could bring to get it into shape, so she wisely left; and

WHEREAS, Patty finally fulfilled her destiny by coming to work in the Chief Clerk's Office in 1995, where she honorably served the House and several Chief Clerks, with everyone who visited the office understanding that they could either meet with the Chief Clerk if they wanted or just save all that trouble and simply ask Patty what was going on, because mostly no one but Patty really ever knew what was going on at any point in time; and

WHEREAS, She has ably managed the House Resolution process, coordinating the processing and adoption of hundreds of resolutions honoring all manner of people, groups, events, causes, and even foods; and

WHEREAS, Speaking of food, perhaps her one quirk is the fact that she would probably eat chips at any time of day or night for any meal; and

WHEREAS, Despite being the rock upon which the House was built, Patty did have a rich and rewarding life outside of the Legislature, raising a wonderful family and having two amazing grandchildren who are some of the best things to ever happen to her; and

WHEREAS, Patty is also an avid horsewoman, doting on her beloved horse, Vixen, who at the time of this Resolution is a stately and remarkable 30+ years old and still going strong; and

WHEREAS, Patty is seeking to retire so that she can spend even more time with Vixen and her amazing grandchildren and get to Cannon Beach as often as possible, and just generally do non-House related things for a change;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hereby direct the Chief Clerk to lock his outer doors so that Patty cannot leave the office, because no one in the House can imagine what we'll do without her; and

BE IT FURTHER RESOLVED, That Patty will probably still get out of that locked office because she knows the building better than anyone, so perhaps it is better to just ask her if she'll stay longer, not more than two, maybe three more decades, tops; and

BE IT FURTHER RESOLVED, That if Patty cannot be made to stay on, then we reluctantly wish her the best and urge everyone to join with us to celebrate and honor the life, legacy, work, service, and general awesomeness of Patty Moore.

Representative Springer moved adoption of HOUSE RESOLUTION NO. 4698.

Representatives Springer and Kretz spoke in favor of the adoption of the resolution.

**SPEAKER'S PRIVILEGE**

The Speaker thanked Patty Moore for her contributions and years of service to the House.

HOUSE RESOLUTION NO. 4698 was adopted.

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

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5949, by Senate Committee on Ways & Means (originally sponsored by Mullet and Schoesler)**

**Concerning the capital budget.**

The bill was read the second time.

Representative Tharinger moved the adoption of the striking amendment (1261):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2025, out of the several funds specified in this act.

**PART 1  
GENERAL GOVERNMENT**

**Sec. 1001.** 2023 c 474 s 6049 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
2022 Local & Community Projects (40000230)

The (~~reappropriation~~) appropriations in this section (~~is~~) are subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 7012 of this act, except that:

(a) \$2,000,000 of the reappropriation is for the Tiny House Villages (Seattle) project, and not the Tiny House Villages and Cottages (Seattle) project; and

(b) \$206,000 of the reappropriation is for the Renton Housing Repair Assistance Program (Renton) project, and not the 300 Rainier Ave Building (Renton) project.

(2) The department must reimburse the city of Chelan for its expenditures for the Chelan municipal airport extension project. The amount of the reimbursement to the city of Chelan under this section may not exceed the amount appropriated for the Chelan municipal airport extension project in section 1022, chapter 296, Laws of 2022.

(3) (~~It is the intent of the legislature to appropriate funding~~) \$1,000,000 of the appropriation in this section is for the remaining costs of the Chelan municipal airport extension project ((in fiscal year 2024)).

**Reappropriation:**

State Building Construction Account—  
State . . . . . \$117,688,000

**Appropriation:**

State Building Construction Account—  
State . . . . . \$1,000,000

Prior Biennia (Expenditures). \$51,879,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL..... (\$169,567,000)  
\$170,567,000

**Sec. 1002.** 2023 c 474 s 1007 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**  
2023-25 Energy Retrofits and Solar Power for Public Buildings (40000283)

The appropriation in this section is subject to the following conditions and limitations:

(1) (~~(\$22,500,000)~~) \$14,500,000 of the appropriation in this section is provided solely for grants to local governments, public higher education institutions, school districts, tribal governments, and state agencies for improvements to facilities and related projects that result in energy and operational cost savings.

(a) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(b) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(c) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(2) \$22,500,000 of the appropriation in this section is provided solely for grants to be awarded in competitive rounds to local governments, public higher education institutions, school districts, tribal governments, and state agencies for projects that involve the purchase and installation

of solar energy systems, including solar modules and inverters, with a preference for products manufactured in Washington.

(a) At least 20 percent of each competitive grant round is designated for award to eligible projects in small cities or towns with a population of 5,000 or fewer residents.

(b) In each competitive round, a higher energy savings to investment ratio must result in a higher project ranking. Priority consideration must be given to applicants that have not received grant awards for this purpose in prior biennia.

(c) The department must determine a minimum match ratio to maximize the leverage of nonstate funds.

(3) \$5,000,000 of the appropriation in this section is provided solely for the energy efficiency and environmental performance improvements to minor works, stand-alone, and emergency projects at facilities owned by agencies that repair or replace existing building systems and reduce greenhouse gas emissions from state operations, including, but not limited to, HVAC, lighting, insulation, windows, and other mechanical systems. Eligibility for this funding is dependent on an analysis using the office of financial management's life-cycle cost tool that compares project design alternatives for initial and long-term cost-effectiveness. Assuming a reasonable return on investment, the department shall provide grants in the amount required to improve the project's energy efficiency compared to the original project request.

(4) \$4,000,000 of the appropriation in this section is provided solely for the Washington state association of counties to provide funding for energy audits on county-owned tier 1 and tier 2 covered buildings and collect and manage data on the costs for counties to comply with the requirements of RCW 19.27A.210 and 19.27A.250.

(a) The Washington state association of counties may award grants to counties with qualifying buildings to assess current energy performance and determine the approximate costs of facility and system upgrades to meet state energy performance standards in chapter 19.27A RCW.

(b) The Washington state association of counties shall submit to the appropriate committees of the legislature no later than December 31, 2025, a report detailing the current energy performance of each county-owned tier 1 and tier 2 building for which an energy audit was completed with the funding provided in this subsection (4), and an estimate of the costs for bringing each building into compliance with the state energy performance standards in chapter 19.27 RCW.

(c) Up to 12 percent of the amount of the grants awarded in (a) of this subsection may be retained by the Washington state association of counties for administrative costs.

(5) \$4,000,000 of the appropriation in this section is provided solely for the association of Washington cities to provide funding for energy audits on city-owned tier 1 and tier 2 covered buildings and collect and manage data on the costs for cities to

comply with the requirements of RCW 19.27A.210 and 19.27A.250.

(a) The association of Washington cities may award grants to cities with qualifying buildings to assess current energy performance and determine the approximate costs of facility and system upgrades to meet state energy performance standards in chapter 19.27A RCW.

(b) The association of Washington cities shall submit to the appropriate committees of the legislature no later than December 31, 2025, a report detailing the current energy performance of each city-owned tier 1 and tier 2 building for which an energy audit was completed with the funding provided in this subsection (5), and an estimate of the costs for bringing each building into compliance with the state energy performance standards in chapter 19.27 RCW.

(c) Up to 12 percent of the amount of the grants awarded in (a) of this subsection may be retained by the association of Washington cities for administrative costs.

(6) The department shall develop metrics that indicate the performance of energy efficiency efforts.

~~((45))~~ (7) If a grant is provided in subsection (1) or (3) of this section to purchase heating devices or systems, the agency must, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

~~((46))~~ (8) Grants provided in subsections (1) ~~(, (2), and)~~ through (3) of this section to state agencies are exempt from the match requirements in this section.

**Appropriation:**

Climate Commitment Account—State.	
\$50,000,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs).	
\$200,000,000	
TOTAL.....	\$250,000,000

**Sec. 1003.** 2023 c 474 s 1011 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
Pacific Tower Capital Improvements (40000287)

**Appropriation:**

State Building Construction Account—	
State. . . . .	<del>(\$6,464,000)</del>
	\$6,587,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs).	
\$6,061,000	
TOTAL.....	<del>(\$12,525,000)</del>
	\$12,648,000

**Sec. 1004.** 2023 c 474 s 1013 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
2023-25 Broadband Infrastructure Federal Match Projects (40000290)

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

(1) (a) \$50,000,000 of the state building construction account—state appropriation in this section is provided solely as match for

federal authority allocated under this section and section 7017 of this act for the statewide broadband office to administer the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (infrastructure investment and jobs act). Expenditure of the amount in this subsection is contingent on the receipt of this grant funding.

(b) To the extent permitted by federal law, the office shall provide state match only for projects where the lead applicant is a public or tribal government entity. The office must allocate state match funds in a manner that prioritizes projects based on affordability, fair labor practices, speed to deployment, open access, local and tribal coordination, and the provision of digital navigation services, as outlined in the scoring criteria contained in the plan submitted by the office to the national telecommunications and information administration.

(c) The legislature intends to provide sufficient funds to match federal funds available during the 2025-2027 fiscal biennium.

(2) In addition to scoring and weighting criteria established pursuant to the federal broadband equity, access, and deployment program, the state broadband office must establish additional secondary selection criteria, including, but not limited to, criteria that give weight to projects that:

(a) Provide open-access wholesale last-mile broadband service for the useful life of the subsidized networks on fair, equal, and neutral terms to all potential retail providers; and

(b) Demonstrate support from the local government or any tribal government with oversight over the location or locations to be served.

(3) The statewide broadband office must include, in the five-year action plan developed using initial planning funds from the broadband equity, access, and deployment program funded under P.L. 117-58 (infrastructure investment and jobs act):

(a) Consideration of broadband infrastructure projects that use wireless technology in order to expand access at the lowest cost to the most unserved or underserved residents; and

(b) Steps the office will take to promote: The use of existing infrastructure; dig-once policies; streamlined permitting processes; and cost-effective access to poles, conduits, easements, and rights-of-way. To the extent permitted under federal law, the office must consider creating a pool of grant funds dedicated to pole costs.

(4) \$300,000 of the general fund—federal appropriation provided in this section is for a staff position dedicated to advising the statewide broadband office on the availability and feasibility of deploying new and emerging technologies in broadband internet service.

Appropriation:

General Fund—Federal. . . ((\$150,000,000))
\$245,560,000
State Building Construction Account—
State. . . . . \$50,000,000
Subtotal Appropriation.....((\$200,000,000))

\$295,560,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
((\$150,000,000))
\$1,132,194,000
TOTAL.....((\$350,000,000))
\$1,427,754,000

Sec. 1005. 2023 c 474 s 1016 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Capital Pre-Development Funding
(40000293)

The appropriation in this section is subject to the following conditions and limitations: Of the amounts provided in this section, \$3,800,000 is provided solely for the LETI Incubator for Family Success project in Everett.

Appropriation:

State Taxable Building Construction
Account—
State. . . . . ((\$5,000,000))
\$3,800,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs).
\$20,000,000
TOTAL.....((\$25,000,000))
\$23,800,000

Sec. 1006. 2023 c 474 s 1017 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2023-25 Clean Energy Fund Program
(40000294)

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$500,000 of the appropriation in this section is provided solely for the department to convene a work group to:

(i) Analyze the financial investments required for owners of tier 1 covered buildings to comply with the state energy performance standard under RCW 19.27A.210; and

(ii) Make recommendations to the legislature to assist building owners in attaining compliance, which must include, but are not limited to:

(A) Identifying energy efficiency investments or other strategies and related timelines for increasing energy efficiency in the buildings sector;

(B) Providing a cost-benefit analysis of options, including energy efficiency, to meet the goal of reducing greenhouse gas emissions from the buildings sector; and

(C) Recommendations to balance financial investments while maximizing clean energy benefits for the state, including statutory changes that may be necessary for this purpose.

(b) The work group membership convened under this section must include, but is not limited to: One representative of the office of the superintendent of public instruction; one representative of a K-12 maintenance and operation administrators association; one representative of each of the state's public four-year institutions of higher education; one representative of the state board for

community and technical colleges; one representative of the department of social and health services; one representative of the department of corrections; one representative of the department of enterprise services; one representative of a health care organization; one representative from a local government; one representative from an organization representing privately owned tier 1 covered buildings; one representative from a business specializing in performance contracting for energy services; one representative from a nonprofit specializing in clean energy; and two representatives of a national association for industrial and office parks.

(c) The department must submit to the appropriate committees of the legislature:

(i) Analysis of financial investments as required by this section by December 15, 2023; and

(ii) A final report with recommendations as required by this section by September 1, 2024.

(2) Except as provided in subsections (1) ~~((and)), (11), (13), and (14)~~ of this section, the appropriation in this section is provided solely for competitive grants to eligible entities for predevelopment, design, and construction of projects that provide a public benefit through research, development, demonstration, or deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations and overburdened communities, including tribes.

(3) Entities eligible for grant funding under this section include local governments, federally recognized tribal governments and tribes' contracted service providers, public and private utilities that serve retail customers in the state, for-profit entities, research institutions, nonprofit organizations, and state agencies.

(4) To be eligible, a project must be consistent with the state energy strategy adopted under chapter 43.21F RCW and policies under chapter 19.405 RCW. To the extent practicable, the department must prioritize projects that build upon Washington's strengths in aerospace, maritime, information and communications technology, grid modernization, advanced materials, and decarbonizing the built environment.

(5) The department must invite stakeholders to participate in the design and implementation of grant programs funded under this section. The department must consider equity and environmental justice when developing the program structure and opportunities for applicant participation.

(6) When soliciting and evaluating proposals, awarding contracts, and monitoring projects under this section, the department must:

(a) Ensure that competitive processes, rather than sole source contracting processes, are used to select all projects, except as otherwise noted in this section;

(b) Ensure that a public benefit results from the use of public funds through due diligence and monitoring of contracted

projects, including ensuring compliance with all applicable laws related to the project selection process, project monitoring, and contracting; and

(c) Prioritize projects for funding that leverage the greatest amount of matching funds, such as local levy funding.

(7) (a) The department must require project applicants to:

(i) Disclose all sources of public funding invested in a project; and

(ii) Identify by name any former or current state of Washington employees employed by the applicant or its governing body in the 24 months preceding the application submittal. The identification must include the person's separation date and job title or position held. If the department determines that a conflict of interest or other violation of chapter 42.52 RCW exists, the application must be disqualified from further consideration.

(b) If, after a grant has been awarded, the department finds that a grantee has violated chapter 42.52 RCW, either in procuring or performing under the grant, the department in its sole discretion may terminate the grant funding by written notice. If the grant is terminated, the department must reserve its right to pursue all available remedies under law to address the violation.

(8) The department must specify the requirements in subsections (6) and (7) of this section in funding contracts entered into by the department under this section.

(9) \$10,000,000 of the appropriation in this section is provided solely for grants to tribes for clean energy development projects. Eligible uses of grant funding include planning, predesign, design, construction, project predevelopment, and deployment of clean energy projects that contribute to achieving the state's greenhouse gas emissions reduction goals and related policies. The department must collaborate with tribes in the design and development of this grant program.

~~(10) \$10,000,000 ((of the appropriation in this section is provided solely for state match for federal funding that aligns with subsection (2) of this section and accelerates meeting state clean energy and climate goals. Funding may be used to match federal grants to the state or nonstate entities for clean energy research, development, and demonstration projects.~~

~~(11) \$12,000,000)) of the appropriation in the section is provided solely for grants for strategic research, development, and demonstration of new and emerging clean energy generation and storage technologies and climate change mitigation technologies, including greenhouse gas removal. Grants awarded under this subsection must reduce reliance on fossil fuels, reduce risk of irregularities in power supply, offer opportunities for economic and job growth, and strengthen technology supply chains. Grant funds are intended to catalyze diverse new technologies that change production, use, storage, and transportation of energy. The department may provide funding to projects at various stages of readiness, including early-stage research, pilot and demonstration projects, and dual use~~

projects that produce clean energy and additional benefits.

(11) \$1,500,000 of the appropriation in this section is provided solely to support proof-of-concept development of biogenic carbon dioxide electrolysis, a chemical technology process that utilizes water, electricity, and biogenic CO2 as inputs and produces carbon monoxide as an output to be utilized for the production or manufacture of sustainable aviation fuel.

(12) \$20,000,000 of the appropriation in this section is provided solely for grants for electrical grid integration and innovation projects. To be eligible, a project must develop and demonstrate distributed energy resources, as defined in RCW 19.405.020, and nonwire alternatives that advance community resilience, support implementation of demand response and sustainable microgrids, improve integration of renewable energy and energy storage, and accelerate beneficial load integration and demand management for building electrification, equipment electrification, and electric vehicle charging.

(13) \$7,500,000 of the appropriation in this section is provided solely to support regional energy analytics capability at Pacific Northwest national laboratory.

(14) \$500,000 of the appropriation in this section is provided solely for the Nooksack Indian tribe to enter into an agreement with a third-party contractor to complete a prefeasibility study of geothermal power generation options in Whatcom county. Power generation options considered must include, at a minimum: Hydro-thermal, enhanced geothermal, and high enthalpy enhanced geothermal. The tribe must select the contractor in consultation with the public utility district No. 1. of Whatcom county. The tribe must submit the completed study to the department by June 15, 2025.

(15) The department must strive to allocate all of the amounts appropriated in subsections (9), (10), and (12) of this section within the 2023-2025 fiscal biennium in the manner prescribed in each subsection. However, no sooner than January 1, 2024, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may reallocate funding among the purposes of subsections (9) ~~((through)), (10), and (12)~~ of this section. Beginning January 1, 2024, the department must provide quarterly notice of any funding reallocations to the appropriate fiscal committees of the legislature.

**Appropriation:**

Climate Commitment Account—State.	
<del>(\$60,000,000)</del>	\$50,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs).	
<del>(\$240,000,000)</del>	\$200,000,000
TOTAL.....	<del>(\$300,000,000)</del>
	\$250,000,000

Sec. 1007. 2023 c 474 s 1020 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2023-25 Housing Trust Fund (40000295)

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

(1) ~~(\$163,663,000)~~ \$180,663,000 of the state taxable building construction account—state appropriation is provided solely for the new construction, acquisition, or rehabilitation of affordable housing projects that serve and benefit low-income and special needs populations including, but not limited to, people with chronic mental illness or behavioral health conditions, farmworkers, people who are homeless, and people in need of permanent supportive housing. The department shall strive to invest at least 20 percent of the appropriation provided under this subsection with by and for organizations, as defined by the office of equity.

(2) ~~(\$25,000,000)~~ \$35,500,000 of the state taxable building construction account—state appropriation ~~((is)) and \$8,500,000 of the Washington housing trust fund account—state appropriation~~ are provided solely for affordable housing projects that serve and benefit low-income people with developmental or intellectual disabilities. The department must use a separate application form and evaluation criteria for applications under this subsection. The department must coordinate with the department of social and health services regarding any needed supportive services and make efforts to enact the recommendations of the housing needs study for individuals with intellectual and developmental disabilities, as provided in section 1068(6), chapter 332, Laws of 2021.

(3) \$100,000,000 of the state taxable building construction account—state appropriation is provided solely for the apple health and homes rapid permanent supportive housing program created in chapter 216, Laws of 2022. Of the amounts provided in this subsection ~~((-))~~:

(a) \$5,000,000 is provided solely for the St. Agnes Haven project in Spokane; and

(b) \$7,000,000 is provided solely for the CoLead Northgate project in Seattle.

(4) ~~(\$40,000,000)~~ \$60,000,000 of the state building construction account—state appropriation is provided solely for awards to organizations eligible under RCW 43.185A.040 for the development of homeownership projects affordable to first-time low-income households throughout the state. Projects serving homebuyers whose income is up to 80 percent of the area median income, adjusted for household size, for the county where the property is located are eligible to apply, except that projects located in rural areas of the state, as defined by the department, serving homebuyers whose income is up to 100 percent of the area median income, adjusted for household size, for the county where the property is located are eligible to apply. Eligible activities include, but are not limited to, down payment assistance, closing costs, acquisition, rehabilitation costs, and new construction. Eligible organizations may include those that plan to provide housing to socially disadvantaged

communities as defined in 13 C.F.R. Sec. 124.103. The department shall strive to invest at least 50 percent of these funds with by and for organizations, as defined by the office of equity, and make efforts to enact the recommendations of the homeownership disparities work group created in section 128(100), chapter 297, Laws of 2022. Of the amount provided in this subsection:

(a) \$1,500,000 is provided solely for the Boulevard Townhomes project; and

(b) \$248,000 is provided solely for the Crail Cottages project.

(5) \$25,000,000 of the state building construction account—state appropriation is provided solely for affordable housing preservation projects, which may include, but are not limited to:

(a) Projects preserving and extending the affordability commitment period for projects in the housing trust fund portfolio. The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property. When allocating funds, the department must prioritize buildings that are older than 15 years and that serve very low-income and extremely low-income populations.

(b) Projects preserving affordable multifamily housing at risk of losing its affordability due to expiration of use restrictions that otherwise require affordability including, but not limited to, United States department of agriculture funded multifamily housing. The department must prioritize projects that satisfy the goal of long-term preservation of Washington's affordable multifamily housing stock, particularly in rural areas of the state. Funds may be used for acquisition or for acquisition and rehabilitation of properties to preserve the affordable housing units beyond their existing use restrictions and keep them in Washington's housing portfolio for a minimum of 40 years. If a capital needs assessment is required, the department must work with the applicant to ensure that this does not create an unnecessary impediment to rapidly accessing these funds.

(c) The funding provided under this subsection (5) is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050.

(d) The amount awarded under this subsection (5) may not be calculated in award limitations for other housing trust fund awards.

(6) (((\$4,000,000))\$14,000,000 of the state taxable building construction account—state appropriation is provided solely for a grant to the northwest cooperative development center to provide subgrants for the acquisition and preservation of mobile or manufactured home communities. Funding provided under this subsection may be used to acquire mobile or manufactured home communities for the purpose of avoiding

household displacement due to sale or other transactions and ensuring preservation of housing affordability for low-income households for a minimum of 40 years.

(7) (((\$2,000,000))\$7,000,000 of the state taxable building construction account—state appropriation is provided solely for capital improvements to mobile home or manufactured home communities and includes the following:

(a) \$5,500,000 is provided solely for a grant to the northwest cooperative development center to provide subgrants to organizations that are "mobile home park cooperatives" or "manufactured housing cooperatives" under RCW 59.20.030 for completing capital improvement processes. Subgrants provided under this subsection may be used solely for critical improvements, repairs, and infrastructure upgrades to promote the preservation of mobile or manufactured home communities as affordable housing. The grantee must award subgrants based on needs relating to health, safety, and cost; and

(b) \$1,500,000 is provided solely for the Alpine Ridge Utility Upgrades project.

(8) (((\$40,337,000))\$71,876,000 of the state taxable building construction account—state appropriation is provided solely for the following list of projects:

African Diaspora Cultural Anchor Village (SeaTac) . . . . .	\$4,000,000
Bringing It Home II 24-Hour Domestic Violence Shelter . . . . .	\$8,720,000
Broadway Senior Housing . . . . .	\$1,000,000
Casa MiA: Supporting Housing for Survivors . . . . .	\$1,030,000
Cedar House . . . . .	\$112,000
Generations Place Workforce Housing . . . . .	\$1,600,000
Gravelly Lake Commons at LASA (Lakewood) . . . . .	\$500,000
((Kenmore Supportive Housing (Kenmore) . . . . .	\$1,000,000))
Habitat for Humanity . . . . .	\$6,000,000
KCR Mills Crossing Affordable Housing . . . . .	\$2,000,000
Leavenworth Affordable Workforce Rental Housing (Leavenworth) (((\$1,000,000))	\$2,300,000
Lewis County Homeless Shelter (Chehalis) . . . . .	\$2,500,000
Lincoln District Family Housing (Tacoma) . . . . .	\$5,050,000
Mary's Place Shelter Replacement (Burien) . . . . .	\$6,000,000
Mount Baker Housing Association Trenton Apartments . . . . .	\$500,000
Mount Zion Housing (Seattle) . . . . .	\$1,000,000
Multicultural Village Design (Kent) . . . . .	\$550,000
New Hope Family Housing (Seattle) . . . . .	\$325,000
Peninsula Community Health Housing (Bremerton) . . . . .	\$412,000
Raymond Manor Low-Income Senior Housing . . . . .	\$1,500,000
Redmond Supportive Housing . . . . .	\$3,200,000
Saint Vincent de Paul . . . . .	\$1,000,000
Shiloh Baptist Church New Life Housing (Tacoma) . . . . .	\$1,000,000
Skyway Affordable Housing (Skyway) . . . . .	\$3,000,000
Sky Valley Youth Center . . . . .	\$1,153,000
Tacoma/Pierce County Habitat Affordable Housing	



(Pierce County) . . . . . \$14,000,000  
 The House of Bethlehem . . . . . \$424,000  
 West Klickitat Assisted Living Facility.  
 \$3,000,000

(9) \$20,000,000 of the state taxable building construction account—state appropriation in this section is provided solely for eligible organizations defined under RCW 43.185A.040 to acquire, renovate, and prepare real property for rapid conversion into enhanced emergency shelters, permanent supportive housing, transitional housing, permanent housing, youth housing, tiny homes, or shelter for extremely low-income people, as well as individuals, families, unaccompanied youth, and young people experiencing sheltered and unsheltered homelessness. Acquisitions completed with temporary financing are eligible for funding provided in this section. The department may only approve funding for projects that result in increased shelter or housing capacity.

(a) Acquisition of multifamily housing is a priority, and the department shall prioritize housing projects that rapidly move people experiencing unsheltered homelessness into housing, including, but not limited to, individuals living in unsanctioned encampments, the public rights-of-way, or other public spaces.

(b) Amounts provided in this section may not be used for operating or maintenance costs, supportive services, or debt service.

(c) Awards made to tiny homes under this subsection (9) may be made to noncode compliant structures and may be exempted from the 40-year affordability requirement under RCW 43.185A.060.

(10) \$5,000,000 of the state building construction account—state appropriation in this section is provided solely for affordable housing urgent repair grants to be provided on an ongoing basis. Funding is not subject to the 60-day notification requirement in RCW 43.185A.150. The funding may be provided to address nonrecurring repair projects including repair of units or buildings, abatement of potentially hazardous materials, and safety-related structural improvements of affordable housing. Each repair grant award may not exceed \$200,000 per award. However, the department may not limit the number of awards or amount received per organization.

(a) For purposes of this subsection (10), "affordable housing" means:

(i) Permanent supportive housing as defined in RCW 36.70A.030; and

(ii) Multifamily affordable housing projects in the housing trust fund portfolio.

(b) If the department receives application requests that exceed the appropriation level in this subsection (10), the department must prioritize projects under (a)(i) of this subsection.

(11) 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).

~~((10))~~ (12) The department shall strive to allocate at least 30 percent of the funds provided in this section to projects located

in rural areas of the state, as defined by the department.

~~((11))~~ (13) The department must strive to allocate all of the amounts appropriated in this section within the 2023-2025 fiscal biennium in the manner prescribed in each subsection. However, if upon review of applications the department determines there are not adequate suitable projects in a category, the department may allocate funds to other affordable housing 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 . . . . . ((~~\$65,000,000~~))  
 \$90,000,000  
 State Taxable Building Construction  
 Account—  
 State . . . . . ((~~\$335,000,000~~))  
 \$429,039,000  
 Washington Housing Trust Account—State.  
 \$8,500,000  
 Subtotal Appropriation . . . . . ((~~\$400,000,000~~))  
 \$527,539,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs).  
 ((~~\$1,600,000,000~~))  
 \$2,076,156,000  
 TOTAL . . . . . ((~~\$2,000,000,000~~))  
 \$2,603,695,000

**Sec. 1008.** 2023 c 474 s 1022 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Transit Oriented Housing Development Partnership Match (40000298)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely as match to private investment for grants or loans to for-profit and nonprofit housing developers and public entities to carry out projects designed to increase the supply and affordability of transit-oriented housing development. ~~((Grants))~~ Awards from this appropriation may only be used for the construction of units affordable at 80 percent of area median income or lower, if a project includes a range of affordability levels. The department shall work with the department of transportation to develop and administer a competitive grant or loan program to assist in the financing of housing projects within rapid transit corridors. The department shall implement the program pursuant to the following eligibility criteria and definitions:

(1) Entities eligible to receive ~~((grant))~~ awards are state agencies, local governments, and nonprofit or for-profit housing developers. Eligible uses of ~~((grant))~~ awards include project capital costs and infrastructure costs and addressing gaps in project financing that would prevent ongoing or complete project construction.

(2) Eligible housing projects must meet the following requirements:

(a) Be within a rapid transit corridor. For purposes of this subsection (2), "rapid transit corridor" includes either one-half mile from light rail or commuter rail, or one-quarter mile from bus rapid transit or other high-capacity bus service area.

(b) Produce at least ~~((100))~~ 80 units of housing; and

(c) Include a covenant on the property requiring at least 10 percent of total housing units in the project remain affordable for households with incomes at or below 60 percent of area median income and at least 10 percent of total housing units in the project remain affordable for households with incomes at or below 80 percent of area median income for at least 99 years.

(3) The department must prioritize eligible projects by occupancy date, with a target occupancy date of December 31, 2025, or sooner.

(4) To source project requests, the department may first review the list of housing trust fund applications from the prior two years to determine if any projects not fully funded would meet the criteria listed in subsection (2) of this section and would be able to proceed to construction. If so, the department must conduct outreach to those project owners to discuss the ~~((grant))~~ program before soliciting new projects.

(5) The department must also consider the following criteria when prioritizing all projects:

(a) Are comprised of the largest number of affordable units;

(b) Have the largest total number of units affordable to households with incomes at or below 60 percent area median income;

(c) Include land acquired at a reduced price or without cost;

(d) Abide by any applicable antidisplacement measures;

(e) Include units with additional bedrooms or intended for occupancy by families with multiple dependents; or

(f) Have acquired all necessary permits.

(6) The department may adopt any necessary guidance or rules to implement the competitive grant or loan program under this section, including any additional project eligibility criteria and prioritization criteria.

(7) The department must report a program update and any projects awarded on their website by June 30, 2024. The report must include project award data at the time of award, such as, but not limited to, the awardee, total project cost, amount of the award, number of households being served by household income, project location, and any other relevant information.

(8) The department must strive to allocate the amounts appropriated in this section by September 30, 2024, in the manner prescribed in this section. However, if upon review of applications the department determines there are not adequate suitable projects to receive awards, the department may allocate state funding to other affordable housing projects serving other low-income and special needs populations.

(9) Of the amounts appropriated in this section, \$2,100,000 from the state taxable

building construction account—state appropriation and \$2,100,000 from the general fund—private/local appropriation are provided solely for the Redmond Supportive Housing project.

**Appropriation:**

General Fund—Private/Local.	\$25,000,000
State Taxable Building Construction Account—	
State . . . . .	\$25,000,000
<b>Subtotal Appropriation . . . . .</b>	<b>\$50,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs).	\$200,000,000
<b>TOTAL . . . . .</b>	<b>\$250,000,000</b>

**Sec. 1009.** 2023 c 474 s 1023 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
2023-25 Behavioral Health Community Capacity Grants (40000299)

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 to issue grants to community hospitals or other community providers to expand and establish new capacity for behavioral health services in communities. The department must consult an advisory group consisting of representatives from the department of social and health services, the health care authority, one representative from a managed care organization, one representative from an accountable care organization, and one representative from the association of county human services. Amounts provided in this section may be used for construction and equipment costs associated with establishment or preservation of the facilities. The department may approve funding for the acquisition of a facility if the project will result in increased behavioral health capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(2) In awarding funding for projects in subsection (5) of this section, the department must establish criteria for the issuance of the grants, which must include:

(a) Evidence that the application was developed in collaboration with one or more regional behavioral health entities that administer the purchasing of services;

(b) Evidence that the applicant has assessed and would meet gaps in geographical availability of behavioral health services in their region;

(c) Evidence that the applicant is able to meet applicable licensing and certification requirements in the facility that will be used to provide services;

(d) A commitment by applicants to serve persons who are publicly funded and persons detained for involuntary commitment under chapter 71.05 RCW;

(e) A commitment by the applicant to maintain and operate the beds or facility for a time period commensurate to the state investment, but for at least a 10-year period;

(f) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(g) A detailed estimate of the costs associated with opening the beds;

(h) A financial plan demonstrating the applicant's ability to maintain and operate the facility; and

(i) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW.

(3) In awarding funding for projects in subsection (5) of this section, the department, in consultation with the advisory group established in subsection (1) of this section, must strive for geographic distribution and to allocate funding based on population and service needs of an area. The department must consider current services available, anticipated services available based on projects underway, and the service delivery needs of an area.

(4) The department must prioritize projects that increase capacity in unserved and underserved areas of the state.

(5) (a) (~~(\$29,443,000)~~) \$29,443,000 of the state building construction account—state appropriation in this section is provided solely for competitive community behavioral health grants to address regional needs. Applicants must provide confirmation that the health care authority, department of social and health services, or a managed care organization plans to contract with the facility sufficient to cover the facility's operating costs. The department must give priority to facilities that:

(i) Serve individuals on 90-day or 180-day civil commitments as an alternative to treatment in the state hospitals;

(ii) Serve individuals who will be transitioned from or diverted from the state hospitals;

(iii) Provide secure withdrawal management and stabilization treatment beds; or

(iv) Provide substance use disorder treatment.

(b) In awarding this funding to projects under (a)(i) of this subsection (5), the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity related to serving individuals who will be transitioned from or diverted from the state hospitals;

(ii) The facility is not subject to federal funding restrictions that apply to institutions of mental diseases;

(iii) The provider has submitted a proposal for operating the facility to the health care authority;

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification

requirements for the facility that will be used to provide services; and

(v) The health care authority has confirmed that it intends to contract with the facility for operating costs within funds provided in the operating budget for these purposes.

(c) \$24,000,000 of the state building construction account—state appropriation in this section is provided solely for grants to intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases.

(d) \$18,000,000 of the state building construction account—state appropriation in this section is provided solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for youth crisis walk-in intervention, substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, children with behavioral health and intellectual or developmental disability needs, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with behavioral health or social isolation issues.

(e) \$4,250,000 of the state building construction account—state appropriation in this section is provided solely for grants to community providers to increase opioid treatment program services and access.

(6) The amounts provided in this subsection are subject to the criteria in subsection (1) of this section, except the projects are not required to establish new capacity:

(a) \$7,500,000 of the state building construction account—state appropriation in this section is provided solely for grants to community providers to prevent the closure of existing behavioral health facilities. For purposes of this subsection (6)(a), the department must implement necessary procedures to enable rapid commitment of funds on a first-come, first-served basis to qualifying project proposals that satisfy the goal of long-term preservation of behavioral health facilities.

(b) (~~(\$133,057,000)~~) \$181,476,000 of the state building construction account—state appropriation in this section is provided solely for the following list of projects:

Aristo Healthcare Services (Renton) . . .	
\$2,000,000	
Center for Alcohol & Drug Treatment New Facility	
(Wenatchee) . . . . .	\$19,600,000
<u>Chehalis Wellness Center Renovation. . .</u>	<u>\$3,000,000</u>
<u>Columbia River Mental Health Services Clinic. . . . .</u>	<u>\$600,000</u>
<u>Columbia Valley Center for Recovery. . .</u>	<u>\$6,500,000</u>

Colville Tribes Detox Facility Feasibility Study. . . . .	\$500,000
Compass Health Broadway Behavioral Health Services (Everett). . . . .	\$18,700,000
CRMHS Satellite Building Project (Vancouver). . . . .	\$2,500,000
Evergreen Treatment Services (Seattle).	\$6,000,000
Holman Recovery Center Freedom Bridge. . .	\$1,900,000
Ituha Stabilization Facility Bed Increase . . . . .	\$93,000
Jamestown S'Klallam Behavioral Health Center (Sequim). . (((\$13,000,000))	\$28,000,000
Kalispel Tribe Camas Health Inpatient Treatment Center. . . . .	\$5,000,000
Kitsap Mental Health Services Bremerton Campus Expansion. . . . .	\$773,000
((Lummi Nation Substance Abuse Treatment (Bellingham). . . . .	\$8,147,000))
Lynnwood Community Recovery Center (Lynnwood). . . . .	\$2,750,000
Muckleshoot We Care Daily. . . . .	\$3,500,000
Nisqually Tribe Healing Village (Olympia) . . . . .	\$12,000,000
Opioid Recovery and Care Access	\$3,500,000
Quinault Indian Nation Wellness Center Expansion. . . . .	\$7,800,000
Recovery Innovations Crisis Stabilization (Federal Way). . . . .	\$1,900,000
SeaMar Youth Crisis Center (Seattle). . .	\$480,000
Seven Nations Healing Lodge Youth Expansion. . . . .	\$2,000,000
SHC Medical Center - Astria/Toppenish Hospital (Toppenish). . . . .	\$2,500,000
SIHB Thunderbird Treatment Center (Vashon). . . . .	\$1,030,000
Skagit County Crisis Stabilization Center (((\$SCCSC) (Sedro-Woolley))). . . (((\$12,700,000))	\$12,950,000
Snoqualmie Tribe Behavioral Health. . . . .	\$100,000
Spokane Treatment and Recovery Service (Spokane). . . . .	\$4,000,000
Substance Use Disorder & Mental Health Inpatient Treatment (Yakima). . . . .	\$11,750,000
Suquamish On-Reservation Health Service Center. . . . .	\$4,500,000
((Three Rivers Behavioral Health Center (Kennewick). . . . .	\$5,000,000))
Triumph SUD & Mental Health Treatment. . .	\$2,500,000
Whatcom 23-Hour Crisis Relief Center (Bellingham) (((\$9,000,000))	\$11,350,000
Yakama Nation Detox Center. . . . .	\$900,000
Yakima Drop-in Center. . . . .	\$800,000

(c) \$11,607,000 of the state building construction account—state appropriation and \$1,250,000 of the capital community assistance account—state appropriation in this section are provided solely for design and construction of the Lummi Nation Substance Abuse Treatment project. The legislature intends to provide funds in the amount of \$23,357,000 over the course of the 2023-2025 and 2025-2027 fiscal biennia for the Lummi Nation Substance Abuse Treatment

project. Pursuant to RCW 43.88.130, the department may enter into a multibiennium contract with Lummi Nation for the design and construction of the project. Nothing in this section authorizes the department to make an expenditure without an appropriation.

(7) (a) \$10,002,000 of the state building construction account—state appropriation and \$4,998,000 of the capital community assistance account—state appropriation in this section are provided solely for the purchase of the former Daybreak Youth Services building located in Clark County, Washington. Title of the property must be held in the name of the state under the custody and control of the department of enterprise services.

(b) The department, with the assistance of the department of enterprise services, shall facilitate a lease agreement with Madrona Recovery Center, Inc. (Madrona) for a term of no less than 10 years, at a lease cost of \$1 per year. As a condition of the lease, the department shall obtain commitments and acknowledgments from Madrona as follows:

(i) The building will be operated for the purpose of providing substance use disorder treatment and other behavioral health treatment services to children and minor youth throughout the term of the lease;

(ii) Madrona is able to meet applicable licensing and certification requirements necessary to operate the facility;

(iii) Madrona commits to prioritizing services for persons who are publicly funded and are residents of the state of Washington;

(iv) Madrona has provided a detailed estimate of the costs associated with opening the beds at the facility;

(v) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project, with an anticipated opening date of the facility that is no more than 12 months from commencement of the lease; and

(vi) Madrona has submitted a financial plan demonstrating its ability to maintain and operate the facility, including confirmation that the health care authority, department of social and health services, or a managed care organization plans to contract with the facility sufficient to cover the facility's operating costs.

(c) \$1,000,000 of the state building construction account—state appropriation in this section is provided solely to Madrona for the purpose of tenant improvements necessary to operate the building for the purposes outlined in (b) of this subsection. The department must inform Madrona of its obligation to pay prevailing wage in completing tenant improvements financed by the state. Subsequent maintenance and repairs during the term of the lease are the responsibility of Madrona.

(d) \$200,000 of the state building construction account—state appropriation in this section is provided solely for the administrative costs associated with this project.

((7)) (8) The department shall notify all applicants that they may be required to

have a construction review performed by the department of health.

~~((9))~~ (9) To accommodate the emergent need for behavioral health services, the department and the department of health, in collaboration with the health care authority and the department of social and health services, must establish a concurrent and expedited process to assist grant applicants in meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, freestanding evaluation and treatment facilities, enhanced services facilities, triage facilities, crisis stabilization facilities, or secure detoxification/secure withdrawal management and stabilization facilities.

~~((9))~~ (10) The department must strive to allocate all of the amounts provided in this section in the manner prescribed in each subsection. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category, the department may allocate funding to other project categories listed in this section, prioritizing projects that support serving individuals who will be transitioned from or diverted from the state hospitals. Underserved areas of the state may also be considered.

~~((10))~~ (11) In contracts for grants authorized under this section, the department must include provisions that require that the grantee or successor hold the capital improvements for at least a 10-year period. The provisions must require the facility to be used for behavioral health services, but may allow the facility to change ownership or facility type during the commitment period. The department shall monitor the activities of recipients of grants under this program to determine compliance with the terms and conditions set forth in its contract.

~~((11))~~ (12) The department must provide a progress report to the appropriate committees of the legislature by September 1, 2024. The report must include:

- (a) The total number of applications and amount of funding requested;
- (b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date;
- (c) A statewide map of new capacity since 2018, including projected bed capacity and opening dates;
- (d) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services; and
- (e) Recommendations for statutory language that would codify the grant program on an ongoing basis including:
  - (i) Evaluation and prioritization criteria;
  - (ii) Monitoring and compliance requirements;
  - (iii) Preconstruction and technical assistance services; and

(iv) Data needed to determine the service needs by area of the state.

~~((12))~~ (13) The department must coordinate with the health care authority to submit capital budget requests to fund behavioral health community capacity grants for the 2025-2027 biennial budget by the due date established by the office of financial management. Associated state budget operating costs must also be identified and requested.

**Appropriation:**

Capital Community Assistance Account—	
State . . . . .	\$6,248,000
State Building Construction Account—	
State . . . . .	(((\$211,000,000))
	\$287,478,000
<b>Subtotal Appropriation . . . . .</b>	<b>\$293,726,000</b>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	(((\$844,000,000))
	\$1,174,904,000
<b>TOTAL . . . . .</b>	<b>(((\$1,055,000,000))</b>
	<b>\$1,468,630,000</b>

**Sec. 1010.** 2023 c 474 s 1024 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 2023-25 Early Learning Facilities Fund Grant Program (40000300)

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(((\$5,000,000))~~ \$7,350,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for minor renovation grants.

(2) ~~(((\$42,050,000))~~ \$46,550,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for the early learning facility grant and loan program, subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092, to provide state assistance for designing, constructing, purchasing, expanding, or modernizing public or private early learning education facilities for eligible organizations. Up to four percent of the funding in this subsection may be used by the department of children, youth, and families to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

(3) The department of children, youth, and families must develop methodology to identify, at the school district boundary level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district. This methodology must inform any early learning facilities needs assessment conducted by the department and the department of children, youth, and families. This methodology must be included as part of

the budget submittal documentation required by RCW 43.88.030.

(4) When prioritizing areas with the highest unmet need for early childhood education and assistance program slots, the committee of early learning experts convened by the department pursuant to RCW 43.31.581 must first consider those areas at risk of not meeting the entitlement specified in RCW 43.216.556.

(5) The department must track the number of slots being renovated separately from the number of slots being constructed and, within these categories, must track the number of slots separately by program for the working connections child care program and the early childhood education and assistance program.

(6) When prioritizing applications for projects pursuant to RCW 43.31.581, the department must award priority points to applications from a rural county or from extreme child care deserts as defined by the department of children, youth, and families.

(7) For early learning facilities collocated with affordable or supportive housing developments, the department may remit state funding on a reimbursement basis for 100 percent of eligible project costs, regardless of the project's match amount, once the nonstate share of project costs have been either expended or firmly committed in an amount sufficient to complete the entire project or a distinct phase of the project that is useable to the public as an early learning facility. These projects are not subject to section 8015 of this act or RCW 43.88.150.

(8) It is the intent of the legislature to reappropriate funding in the 2023-2025 omnibus capital appropriations act for early learning facilities appropriated in this section.

(9) ~~(\$17,600,000)~~ \$37,438,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for the following list of early learning facility projects:

<u>Boys and Girls Club of Lewis County. . . . .</u>	
<u>\$1,950,000</u>	
<u>Brightonview Childcare Expansion. . . . .</u>	
<u>\$2,305,000</u>	
<u>Cora Whitley Family Center (Tacoma). . . . .</u>	
<del>(\$2,500,000)</del> <u>\$3,015,000</u>	
<u>Eastside Early Childhood Center (Bellevue). . . . .</u>	\$1,100,000
<u>Lions Park Community Center. . . . .</u>	\$2,550,000
<u>Montesano Child Care. . . . .</u>	\$515,000
<u>New Tomorrow's Hope Child Development Center (Everett). . . . .</u>	\$1,000,000
<u>Northaven Green Space Restoration. . . . .</u>	
<u>\$1,300,000</u>	
<u>Northgate Jose Marti Early Learning Center (Seattle). . . . .</u>	<del>(\$1,000,000)</del> <u>\$2,488,000</u>
<u>Rainier Valley Early Learning Center (Seattle). . . . .</u>	\$6,000,000
<u>ReWA MLK Early Learning Center</u>	<u>\$4,252,000</u>
<u>Shore Metro Park District Child Care Expansion. . . . .</u>	<u>\$773,000</u>
<u>Skyway Affordable Housing and Early Learning Center (Seattle). . . . .</u>	\$3,000,000

<u>Step by Step's Early Learning Center. . . . .</u>	
<u>\$515,000</u>	
<u>Whatcom Meridian Early Learning \$3,000,000</u>	
<u>YMCA Early Learning Center (Port Angeles)</u>	
. . . . .	<del>(\$2,000,000)</del> <u>\$2,500,000</u>
<u>Young Child &amp; Family Center, North Thurston PS (Olympia). . . . .</u>	\$1,000,000
<u>YWCA Walla Walla Childcare Center</u>	<u>\$175,000</u>

(10) \$350,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation in this section is provided solely for the early learning facilities capital readiness pilot program. The department, in partnership with the department of children, youth, and families, shall administer the program as part of the early learning facilities program. The early learning facilities capital readiness pilot program must support no more than 10 licensed early learning providers that will serve children through working connections child care or through the early childhood education and assistance program to study the feasibility of expanding, remodeling, purchasing, or constructing early learning facilities and classrooms. Participants must receive small grants and project support to conduct capital feasibility studies that cover financing, architectural design, construction, business operations, and other relevant topics. Participants must also have access to professional consultation related to financing, architectural design, construction, and business operations.

**Appropriation:**

<u>Ruth Lecocq Kagi Early Learning Facilities Development Account—</u>	
<u>State. . . . .</u>	<del>(\$65,000,000)</del>
	<u>\$91,688,000</u>
<u>Prior Biennia (Expenditures). . . . .</u>	\$0
<u>Future Biennia (Projected Costs). . . . .</u>	<del>(\$260,000,000)</del>
	<u>\$366,752,000</u>
<b>TOTAL.....</b>	<del>(\$325,000,000)</del>
	<u>\$458,440,000</u>

**Sec. 1011.** 2023 c 474 s 1025 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2024 Local and Community Projects (40000301)

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

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the

sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards under chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department shall include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) The state building construction account—state appropriation in this section is provided solely for the following list of projects:

57th Ave Sewer Project (University Place)	\$200,000
ACT Historic Landmark Roof Restoration (Seattle)	\$539,000
ADA For Northwest Center Janitorial (Spokane Valley)	\$20,000
Admiral Theatre Facility Improvements (Bremerton)	\$165,000
Affordable Housing Land Acquisition (Tacoma)	\$1,500,000
Afterschool Program Expansion (Walla Walla)	\$45,000
Agricultural Innovation Center (Pasco)	\$200,000
Airlift Northwest Hangar (East Wenatchee)	<del>(\$500,000)</del> \$1,700,000
Airway Heights Public Safety (Airway Heights)	\$1,340,000
Algona Wetland Preserve Interpretive Trail (Algona)	\$600,000
American Indian Community Center (Spokane)	\$1,000,000
American Legion Post 79 Roof Replacement (Snoqualmie)	\$49,000
Anderson Island Multipurpose Building (Anderson Island)	\$258,000

Angleside Reservoir Capacity Upgrades (Shelton)	\$1,850,000
Arlington Commercial Kitchen (Arlington)	\$581,000
ARTE NOIR Capital Construction Completion (Seattle)	\$381,000
Asbestos Abatement Old City Hall (Benton City)	\$309,000
Ashley House (Spokane)	\$515,000
Ashley House (Tacoma)	\$500,000
Asia Pacific Cultural Center (Tacoma)	\$2,000,000
ASUW Shell House (Seattle)	\$3,000,000
Athletic Field Lights For Ridgefield Outdoor (Ridgefield)	\$250,000
Auburn Avenue Theater Rebuild (Auburn)	\$1,545,000
Avista Stadium Improvements (Spokane Valley)	\$543,000
B5 Community Learning Center (Kennewick)	\$773,000
Ball Field at Historic Petes (Enumclaw)	\$439,000
Ballard Boys & Girls Clubs Flooring Replacement (Seattle)	\$49,000
Behavioral Health Wellbeing Clinic (Spokane)	\$1,571,000
Bonney Lake Senior Center Rehab Project (Bonney Lake)	\$650,000
Boys & Girls Club Parking Lot Renovation (Federal Way)	\$168,000
Boys & Girls Club Seismic Upgrade & Roof Replacement (Vancouver)	\$412,000
Brewster Boys and Girls Club Facility (Brewster)	\$300,000
Bridge Meadows Pre-Development (Tacoma)	\$515,000
Bringing It Home II 24-Hour Domestic Violence Shelter (Yakima)	\$125,000
Browse Infrastructure (Seattle)	\$144,000
Camp Thunderbird Wastewater Treatment Facility (Olympia)	\$618,000
Cannery Parking Lot & Sidewalk Rehab (Anacortes)	\$110,000
Capitol Land Trust Public Access Preconstruction (Olympia)	\$77,000
Cathlamet Waterfront Park (Cathlamet)	\$86,000
Cedarwood Community Recreation Ctr Redevelopment (Lake Stevens)	\$1,123,000
Celebration Park Synthetic Turf Upgrade (Federal Way)	\$822,000
Center Senior Living Housing Development (Grand Coulee)	\$361,000
Central Colville Apartments (Colville)	\$52,000
Central Whidbey Fire & Rescue Station 53 (Coupeville)	\$2,750,000
Centralia Quad Infield Turf Project (Centralia)	\$2,480,000
Chehalis River Raw Water (Chehalis)	\$250,000
Chelan Butte Acquisition Feasibility Study (Chelan)	\$125,000

Children's Therapy Center (University Place) . . . . .	\$500,000	Ejidos Community Farm (Everson) . . . . .	\$824,000
Chinese Reconciliation Project Design (Tacoma) . . . . .	\$1,000,000	El Centro de la Raza Federal Way Campus (Federal Way) . . . . .	\$1,545,000
City Hall Structural Assessment (Toledo) . . . . .	\$53,000	Electron Way & Contra Costa Ave Intersection Improvment (Fircrest) . . . . .	\$153,000
City of Longview Mint Valley Golf Course Irrigation Replacement (Longview) . . . . .	\$2,000,000	Ellensburg Rodeo Grandstands (Ellensburg) . . . . .	\$1,030,000
City of Othello Lions Park (Othello) . . . . .	\$600,000	Emergency Operation Generator (Coupeville) . . . . .	\$386,000
City of Selah Wastewater Treatment Plant Improvements (Selah) . . . . .	\$1,442,000	Emergency Shelter Capital Improvements (Shelton) . . . . .	\$103,000
City of Sequim Park Acquisition (Sequim) . . . . .	\$375,000	Enumclaw Community Center (Enumclaw) . . . . .	\$500,000
Clallam Joint Public Safety Facility (Port Angeles) . . . . .	\$5,750,000	Evans Creek Relocation Project (Redmond) . . . . .	\$1,030,000
Cloney Inclusive Playground (Longview) . . . . .	\$1,000,000	EWAM Handicap Parking Improvement Project (Pomeroy) . . . . .	\$98,000
Colfax Community Center (Colfax) . . . . .	\$72,000	Fair Building Improvements (Graham) . . . . .	\$77,000
Colfax Pool (Colfax) . . . . .	\$1,030,000	Fall City Business District Septic Project (Fall City) . . . . .	\$1,550,000
Columbia Grove Community Playground (East Wenatchee) . . . . .	\$72,000	Family Resource Center at Cedar Crossing (Seattle) . . . . .	\$360,000
Columbia Play Project Children's Museum (Vancouver) . . . . .	\$515,000	Felts Field Gateway Improvement (Spokane) . . . . .	\$515,000
Commercial Pumpouts to Save Puget Sound (Anacortes) . . . . .	\$800,000	Ferndale Civic and Community Organization Campus (Ferndale) . . . . .	\$3,050,000
Communications Devices for Officials (Olympia) . . . . .	\$15,000	Ferry County Fairgrounds (Republic) . . . . .	\$50,000
Community Center at Lake Chelan (Chelan) . . . . .	\$1,723,000	Fife Aquatic & Community Center Improvements (Fife) . . . . .	\$1,500,000
Community Center Roof Replacement (Aberdeen) . . . . .	\$165,000	Fire Panel Replacement & Integration (Seattle) . . . . .	\$294,000
Community Homes Renovations 41st LD (Bellevue) . . . . .	\$106,000	FISH Food Bank Expansion (Ellensburg) . . . . .	\$573,000
Community Homes Renovations 45th LD (Woodinville) . . . . .	\$77,000	Footfalls Trail Crossing at Main Street (Buckley) . . . . .	\$128,000
Community Homes Renovations 48th LD (Bellevue) . . . . .	\$243,000	Forest Park Pickleball Court Installation (Everett) . . . . .	\$345,000
Community Homes Upgrades 1st LD (Bothell) . . . . .	\$104,000	Free Clinic & Central Construction Project (Walla Walla) . . . . .	\$515,000
Conconully Service Complex/Fire Hall (Conconully) . . . . .	\$2,050,000	Frontier Park Horse Cover (Graham) . . . . .	\$1,388,000
Coupeville Food Bank & Workforce Housing Apartments (Coupeville) . . . . .	\$230,000	Ft Steilacoom Park Nisqually Indian Tribe Improvements (Lakewood) . . . . .	\$309,000
Cross Kirkland Corridor 132nd Avenue NE Improvements (Kirkland) . . . . .	\$515,000	Gibson Hall Improvement Project (Issaquah) . . . . .	\$206,000
Day Island Bridge Design Project (University Place) . . . . .	\$200,000	Glen Tana (Spokane) . . . . .	\$3,000,000
Des Moines Marina Steps (Des Moines) . . . . .	\$1,000,000	Golden Tiger Multi-Use Trail Phase 2 (Republic) . . . . .	\$168,000
deWilde Rugby Fields (Ferndale) . . . . .	\$150,000	Goldendale Municipal Airport - Land Acquisition (Goldendale) . . . . .	\$361,000
Diking District 7 Fish Passage and Levee (Stanwood) . . . . .	\$1,900,000	Greater Wenatchee Irrigation Dist Infrastructure (East Wenatchee) . . . . .	\$2,000,000
Dishman Hills Conservancy Education Ctr Site Planning (Spokane) . . . . .	\$46,000	Greenwood Early Learning Playground (Seattle) . . . . .	\$69,000
Double Culvert Replacement (Castle Rock) . . . . .	\$2,000,000	Greg Cuoio Park Accessibility Improvements (Lacey) . . . . .	\$515,000
Downtown Pasco North Plaza (Pasco) . . . . .	\$155,000	Harbour Point Boulevard Pathway (Mukilteo) . . . . .	\$258,000
Eagle Track Raceway Stadium Light Project (Republic) . . . . .	\$117,000	Harlequin Theater Renovation (Olympia) . . . . .	\$700,000
East Hill North Community Park Phase 1 (Kent) . . . . .	\$1,000,000	Heritage Center at Meeker Mansion (Puyallup) . . . . .	\$496,000
Eaton Urban Pathway Project (Battle Ground) . . . . .	\$1,000,000	Heritage Heights Remodel and Conversion to Medical Care (Chelan) . . . . .	\$824,000
Ebey Waterfront Trail Phase 4 (Marysville) . . . . .	\$1,030,000	High Prairie Fire District 14 Emergency	
Edmonds Boys & Girls Clubs Capital Project (Edmonds) . . . . .	\$1,385,000		
Edmonds Center for the Arts Design (Edmonds) . . . . .	\$200,000		



Preparedness (Lyle) . . . . . \$248,000  
 Highland Park Improvement Club Rebuild  
 (Seattle) . . . . . \$500,000  
 Historic Lamar Cabin Preservation  
 (Prescott) . . . . . \$267,000  
 HUB Sports Fields (Liberty Lake) . . . .  
 \$1,030,000  
 ICOM 911 Microwave Radio Broadband System  
 (Oak Harbor) . . . . . \$500,000  
 Indian American Community Services  
 Community Center (Kent) . . . . . \$794,000  
 Interurban Trail War Memorials (Pacific)  
 . . . . . \$400,000  
 Issaquah Senior Ctr Veterans Memorial  
 Consolidated Prk (Issaquah) . . . . . \$721,000  
 Japanese American Exclusion Memorial Vis  
 Ctr (Bainbridge Island) . . . . . \$350,000  
 Jarstad Aquatic Center Assessment & Roof  
 Repair (Bremerton) . . . . . \$309,000  
 Jenkins Creek Recreation Trail  
 (Covington) . . . . . \$250,000  
 Kalama Creek Hatchery Renovation  
 (Olympia) . . . . . \$3,350,000  
 KCFD #50 Generator (Baring) . . . . . \$20,000  
 Kelso School District-Construction &  
 Renovation Projects (Kelso) . . . . . \$165,000  
 Kelso Train Station Roof Replacement  
 (Kelso) . . . . . \$575,000  
 Kennewick Kiwanis Playground (Kennewick)  
 . . . . . \$258,000  
 King County Sheriff's Office Air Support  
 Unit (Seattle) . . . . . \$1,000,000  
 King Street Station Creative Youth  
 Empowerment Hub (Seattle) . . . . . \$500,000  
 Kirkland Boys & Girls Clubs Community  
 Playfield (Kirkland) . . . . . \$150,000  
 Kirkland Performance Center Safety  
 Improvements (Kirkland) . . . . . \$1,288,000  
 Kitsap Humane Society Veterinary  
 Lifesaving Center (Silverdale) . . . . . \$412,000  
 Kline Line Bridge and ADA Improvements  
 (Vancouver) . . . . . \$1,365,000  
 Kulshan View (Mount Vernon) . . . . . \$309,000  
 Lacamas Lake Water Improvements (Camas) .  
 \$515,000  
 Lake Boren CrossTown Recreational Trail  
 (Newcastle) . . . . . \$824,000  
 Lake Chelan Food Bank Building Remodel &  
 Addition (Chelan) . . . . . \$2,000,000  
 Lake Hills Clubhouse Renovation  
 (Bellevue) . . . . . \$583,000  
 Lake Wilderness Arboretum Improvements  
 (Maple Valley) . . . . . \$450,000  
 Lakebay Marina (Lakebay) . . . . . \$300,000  
 Lambert House Flood Abatement &  
 Foundation Replacement (Seattle) . . . . \$1,030,000  
 Larson Playfield Irrigation Conversion  
 (Moses Lake) . . . . . \$258,000  
 Latah Water System Rehabilitation Project  
 (Latah) . . . . . \$180,000

Latino Community Service Center  
 (Lynnwood) . . . . . \$515,000  
 Lester Creek Personnel to Water Intake  
 (Pe Ell) . . . . . \$640,000  
 Lewis County Senior Centers (Chehalis) .  
 \$500,000  
 Lincoln County Fair and Livestock  
 (Davenport) . . . . . \$1,000,000  
 Local Grain Conveyance & Storage System  
 (Tumwater) . . . . . \$255,000  
 Logistics Facility (Vancouver) . . \$874,000  
 Lynden Senior and Community Center  
 (Lynden) . . . . . \$309,000  
 Lynnwood Neighborhood Center (Lynnwood) .  
 \$2,050,000  
 Lyon Creek Culvert at SR 104 (Lake Forest  
 Park) . . . . . \$1,820,000  
 Madison Street School Sidewalk Project  
 (South Bend) . . . . . \$175,000  
 Manson Fire Station - Training Room and  
 Living Quarters (Manson) . . . . . \$206,000  
 Marine Spills Operations Base (Friday  
 Harbor) . . . . . \$210,000  
 Marshall Park Inclusive Community  
 Playground (Vancouver) . . . . . \$685,000  
 Mason County Jail Expansion (Shelton) . .  
 \$1,030,000  
 Mason PUD 1 Vuecrest Water System Storage  
 Project (Union) . . . . . \$618,000  
 Mason PUD Water Infrastructure (Matlock)  
 . . . . . \$1,000,000  
 Masonic Building Roof Renovation  
 (Centralia) . . . . . \$170,000  
 Mays Pond Playground (Bothell) . . \$650,000  
 Medical Lake Storm Water Mitigation  
 (Medical Lake) . . . . . \$1,000,000  
 Medically-Tailored Meals & Groceries  
 Expansion (Seattle) . . . . . \$1,175,000  
 Memorial Stadium (Seattle) . . \$4,000,000  
 Menastash Grange Revitalization and  
 Expansion (Ellensburg) . . . . . \$85,000  
 Mental Health Quiet Room (Moses Lake) . .  
 \$31,000  
 Mill Creek City Hall North Renovation  
 (Mill Creek) . . . . . \$515,000  
 Mill Creek Multiuse Recreational Property  
 (Mill Creek) . . . . . \$1,030,000  
 MLK Jr. Resource & Technology Center  
 (Pasco) . . . . . \$250,000  
 MLK Jr. Park & Swimming Pool (Yakima) . .  
 \$1,160,000  
 Modernization of Pacific County Jail  
 Facility (South Bend) . . . . . \$464,000  
 Monroe Therapeutic Facility (Monroe) . .  
 \$1,100,000  
 Montesano Economic Development  
 (Montesano) . . . . . \$700,000  
 Mt. Spokane Ski & Snowboard Park (Mead) .  
 \$100,000  
 Mukilteo First Responder Wellness Center  
 (Mukilteo) . . . . . \$258,000  
 Muslim American Youth Foundation Center  
 (Burien) . . . . . \$500,000  
 National Nordic Museum East Garden  
 Capital Project (Seattle) . . . . . \$258,000  
 Nespelem Community Longhouse (Nespelem) .  
 \$1,850,000

New Beginnings Homes (Puyallup)	\$440,000	Woolley)	\$500,000
No. County Rec. Association Youth Sports (Castle Rock)	\$256,000	Puyallup Elks Roof Replacement (Puyallup)	\$370,000
Nooksack Community Housing (Deming)	\$470,000	Rainier Court Phase V (Seattle)	\$750,000
North Fork Skykomish River 911 Extension Project (Index)	\$420,000	Raze Development Capital Project (Spokane)	\$500,000
North Seattle Boys & Girls Clubs Flooring Replacement (Seattle)	\$134,000	Redondo Fishing Pier Replacement Phase 1 (Des Moines)	\$1,000,000
NW Stream Center Sustainable Infrastructure (Everett)	\$273,000	Refugee Welcoming & Healing Center (SeaTac)	\$515,000
Oak Harbor Boys & Girls Club Sports Court (Oak Harbor)	\$250,000	Regional Athletic Complex Transformer Upgrade (Olympia)	\$103,000
Oak Harbor Economic Development (Oak Harbor)	\$621,000	Regional Water & Sewer Upgrades (( <del>Rochester</del> ))	
ODT Land Purchase (Port Townsend)	\$750,000	Mason County	\$250,000
Old Fort Lake Subarea Remediation & Public Access Proj (DuPont)	\$215,000	Rejuvenation Community Day Center (Bremerton)	\$200,000
Othello's Regional Water Plan (Othello)	\$412,000	Remembrance Gallery (Puyallup)	\$257,000
Parkland School (Parkland)	\$500,000	Renovation and Addition to RP Theater Building (Richland)	\$350,000
Pasado's Safe Haven Water and Safety Upgrades (Monroe)	\$485,000	Renton Public Square (Renton)	\$1,485,000
Pasco Boulevard Soccer Field (Pasco)	\$750,000	Republic Community Library (Republic)	\$183,000
Pasco Clubhouse Safety Modernization (Pasco)	\$840,000	Reservoir Capacity & Seismic (Battle Ground)	\$1,288,000
Peninsula Medical Respite & Housing Center (Bremerton)	\$1,000,000	Ritzville Legion Hall Renovation (Ritzville)	\$165,000
Peninsula Senior Activity (Ocean Park)	\$272,000	Ritzville Rodeo Bleachers Replacement (Ritzville)	\$194,000
PenMet Parks Community Recreation Center (Gig Harbor)	\$1,030,000	Ritzville Theater (Ritzville)	\$75,000
Perfect Passage (Tonasket)	\$730,000	Rock Creek Horse Park (Ravensdale)	\$206,000
Pierce County Food Hub (Bonney Lake)	\$300,000	Roslyn Old City Hall Community Center (Roslyn)	\$77,000
Pike Place Market Elevator & Stair Replacement (Seattle)	\$515,000	Rotary Boys & Girls Clubs HVAC Replacement (Seattle)	\$309,000
Plaza Retreat Space (Vashon)	\$544,000	Rotary Morrow Community Park (Poulsbo)	\$100,000
Pond to Pines Infrastructure (Ellensburg)	\$518,000	Roy Water Preliminary Design (Roy)	\$250,000
Port Gamble Shoreline Restoration (Port Gamble)	\$2,400,000	Sail Sand Point (Seattle)	\$258,000
Port of Allyn Public Pier Replacement (Allyn)	\$515,000	Sam Chastain Trail (Renton)	\$500,000
Port of Anacortes T-Dock Reconfiguration (Anacortes)	\$1,000,000	School Based Health Care Facility (Tacoma)	\$515,000
Port of Mattawa Event Center Phase 3 Upgrade Project (Mattawa)	\$361,000	Scott Hill Park & Sports Complex of Woodland (Woodland)	\$350,000
Port of Skamania Cascades Business Park (North Bonneville)	\$1,000,000	Scriber Place Housing for Homeless Students (Lynnwood)	\$2,050,000
Port of Willapa Harbor (South Bend)	\$800,000	Search & Rescue Headquarters Feasibility Study (Snoqualmie)	\$103,000
Port Orchard Breakwater Replacement (Port Orchard)	\$1,000,000	Seattle Aquarium (Seattle)	\$3,000,000
Port Remediation (Olympia)	\$2,200,000	Seattle Public Library Holds Pick-Up Locker (Seattle)	\$93,000
Portland Avenue Park Sprayground (Tacoma)	\$500,000	Seattle Public Theater Accessibility Upgrades (Seattle)	\$77,000
Poulsbo Historical Society - Nilsen-Sonju House (Poulsbo)	\$300,000	Security & Access Improvements (Shelton)	\$250,000
Prosser City Entrance Sign (Prosser)	\$110,000	Sentinel Gap Community Park (Mattawa)	\$1,000,000
Public Works Facility & Vehicle Storage (Sedro)		Sewer Pump Station 12 & Force Main (Bellevue)	\$1,030,000
		Shelton Day Care & Building Project (Shelton)	\$215,000
		Short's Farm Purchase (Chimacum)	\$1,000,000
		Skagit PUD 10th District Waterlines (Skagit)	\$650,000

Skagit PUD 39th District Waterline Relocations (Mt. Vernon) . . . . .	\$600,000	(Elmer City) . . . . .	\$537,000
Skagit PUD Headquarters Public Meeting Room (Mt. Vernon) . . . . .	\$206,000	Town of Index Water Line Repair and Replacement (Index) . . . . .	\$628,000
Slavonian Hall (Tacoma) . . . . .	\$472,000	Township Hall North & West (Spokane) . . . . .	\$100,000
Snohomish Boys & Girls Club Teen Center (Snohomish) . . . . .	\$412,000	Tribal Cultural Center & Museum Restoration (Steilacoom) . . . . .	\$200,000
Snohomish Public Safety & City Services Campus (Snohomish) . . . . .	\$700,000	Tugboat Parthia Pavilion Construction (Olympia) . . . . .	\$148,000
Snoqualmie Indian Tribe Consultation (Snoqualmie) . . . . .	\$150,000	Tukwila Community Center HVAC Replacement (Tukwila) . . . . .	\$515,000
Snoqualmie Valley Youth Center Barn with Storage (North Bend) . . . . .	\$232,000	Tukwila Immigrant & Refugee Wadajir Land Acquisition (Tukwila) . . . . .	\$2,250,000
South Seattle Community Food Hub (Seattle) . . . . .	\$499,000	Tulalip Creek Hatchery (Marysville) . . . . .	\$1,000,000
South Thurston Fire & EMS New Fire Station (Tenino) . . . . .	\$3,050,000	United Way Elevator and Disability Access (Tacoma) . . . . .	\$129,000
South UGA Water and Sewer Extensions (Kennewick) . . . . .	\$1,122,000	Van Zandt Community Hall Renovation (Deming) . . . . .	\$502,000
South Whidbey Aquatic Wellness Center (Langley) . . . . .	\$360,000	Veterans Memorial Balfour Park (Spokane Valley) . . . . .	\$207,000
Southwest Boys & Girls Clubs Safety & Security Improve (Seattle) . . . . .	\$3,000	VFW Post 2224 Critical Renovations (Puyallup) . . . . .	\$206,000
SPARC Capital Campaign (Mount Vernon) . . . . .	\$750,000	Village Theatre's Francis J Gaudette HVAC Replacement (Issaquah) . . . . .	\$489,000
Spokane Civic Theatre Facility (Spokane) . . . . .	\$1,500,000	Wallace Heights Septic Elimination Program (Vancouver) . . . . .	\$500,000
Spokane International Airport (Spokane) . . . . .	\$1,000,000	Washougal Civic Campus Project (Washougal) . . . . .	\$2,000,000
Spokane Scale House Market (Spokane Valley) . . . . .	\$750,000	Washtucna Town Hall (Washtucna) . . . . .	\$20,000
Spring Box Replacement/Water (Concrete) . . . . .	\$450,000	Wastewater Lift Stations (Concrete) . . . . .	\$450,000
St. Mary Medical Center (Walla Walla) . . . . .	\$75,000	Wastewater Treatment Facility & Loss Project (Carbonado) . . . . .	\$500,000
Stanwood Art Center Design (Stanwood) . . . . .	\$327,000	Wastewater Treatment System Upgrades (Long Beach) . . . . .	\$340,000
Stonerose Fossil Center (Republic) . . . . .	\$721,000	Waterfront Organic Soil Removal (Washougal) . . . . .	\$2,000,000
Storm Upgrades Downtown Phase N2 (Puyallup) . . . . .	\$696,000	Weld Seattle Reentry Resource Center (Seattle) . . . . .	\$5,000,000
Sue Bird and Lenny Wilkens Statues (Seattle) . . . . .	\$412,000	Wenatchee Valley Museum Expansion and Redesign (Wenatchee) . . . . .	\$1,000,000
Sultan Basin Park (Sultan) . . . . .	\$500,000	Wenatchee Valley YMCA (Wenatchee) . . . . .	\$1,030,000
Sumas Ave Water Pipe Replacement (Sumas) . . . . .	\$150,000	West Biddle Lake Dam Restoration (Vancouver) . . . . .	\$412,000
SW WA Agricultural Business (Tenino) . . . . .	\$1,250,000	Whatcom Ag Research Station (Lynden) . . . . .	\$764,000
Swede Hall Renovation Project (Rochester) . . . . .	\$198,000	What-Comm Dispatch Center (Bellingham) . . . . .	\$1,000,000
Take-A-Break Park Playground (Maple Valley) . . . . .	\$412,000	White Bluffs Rail/Rail Replacement (Richland) . . . . .	\$1,250,000
Tam O'Shanter Multi-Purpose Court Fencing and Lighting (Kelso) . . . . .	\$46,000	White Center Community Hub (Seattle) . . . . .	\$1,000,000
Taproot Theatre Jewell Mainstage Renovation (Seattle) . . . . .	\$515,000	White Center Food Bank Renovation (Seattle) . . . . .	\$275,000
Tasveer Art Center (Bellevue) . . . . .	\$258,000	Wilkeson Infrastructure (Wilkeson) . . . . .	\$824,000
Tenino Stone Carvers Guild Workshop and Classroom (Tenino) . . . . .	\$160,000	Windermere Park Playground (Longview) . . . . .	\$155,000
Terminal 4 Expansion & Redevelopment Project (Aberdeen) . . . . .	\$3,500,000	WRF Upgrades Solid Side (Yelm) . . . . .	\$442,000
Thun Field - Emergency Response and Meeting Space (Puyallup) . . . . .	\$1,000,000	Yakama Nation "Creator Law Sculpture" (Roslyn) . . . . .	\$99,000
Town of Elmer City Fire Station Improvements		Yakima Co Fire Emergency Responder Radio System (Yakima) . . . . .	\$139,000
		Yakima County Fire District 12 Wildfire Response (Yakima) . . . . .	\$38,000
		Yakima County Meals on Wheels (Union Gap) . . . . .	\$1,000,000

Yakima Trolley Museum (Yakima) . . \$25,000  
 Youth Assist Program Skills Training  
 Center  
 (Tacoma) . . . . . \$500,000  
 Youth Emergency Shelter (Longview) . . .  
 \$250,000  
 Zillah Park Renovation (Zillah) . \$300,000  
 (9) The model toxics control capital  
 account—state appropriation in this section  
 is provided solely for the Port of Vancouver  
 Dock Demo and Removal of Creosote project in  
 Vancouver.

**Appropriation:**  
 Model Toxics Control Capital Account—  
 State . . . . . \$3,500,000  
 State Building Construction Account—  
 State . . . . . ((~~\$228,343,000~~))  
 \$229,543,000  
 Subtotal Appropriation . . . . . ((~~\$231,843,000~~))  
 \$233,043,000  
 Prior Biennia (Expenditures) . . . . \$0  
 Future Biennia (Projected Costs).  
 ((~~\$912,000,000~~))  
 \$916,800,000  
 TOTAL . . . . . ((~~\$1,143,843,000~~))  
 \$1,149,843,000

**Sec. 1012.** 2023 c 474 s 1028  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 2023-25 Community Relief (40000556)

The appropriation in this section is  
 subject to the following conditions and  
 limitations: ((~~\$1,000,000~~)) \$200,000 of the  
 state taxable building construction account—  
 appropriation in this section is provided  
 solely for the department to contract with  
 the communities of concern commission for  
 development of a list of community-led  
 capital projects that serve underserved  
 communities. Eligible expenses include costs  
 incurred by the communities of concern  
 commission in conducting outreach,  
 developing an application process, providing  
 technical assistance, assisting project  
 proponents with project readiness, and  
 assisting the department with identifying  
 barriers faced in accessing capital grant  
 programs. The communities of concern  
 commission must provide a report to the  
 house capital budget committee and the  
 senate ways and means committee that  
 describes the transparency of their process  
 to develop the list and how the  
 ((~~\$1,000,000~~)) \$200,000 was spent by December  
 1, 2023. The department may submit a list of  
 identified projects prepared by the  
 communities of concern commission to the  
 governor and fiscal committees of the  
 legislature for consideration for funding in  
 the 2024 supplemental capital budget.

**Appropriation:**  
 State Taxable Building Construction  
 Account—  
 State . . . . . ((~~\$1,000,000~~))  
 \$200,000  
 Prior Biennia (Expenditures) . . . . \$0  
 Future Biennia (Projected Costs).  
 ((~~\$4,000,000~~))  
 \$800,000  
 TOTAL . . . . . ((~~\$5,000,000~~))  
 \$1,000,000

**Sec. 1013.** 2023 c 474 s 1032  
 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 2023-25 Defense Community Compatibility  
 Projects (40000572)

The appropriations in this section  
 ((is))are subject to the following  
 conditions and limitations: ((The))  
 (1) \$33,950,000 of the state building  
 construction account—state appropriation in  
 this section is provided solely for the  
 following list of projects:

City of Lakewood, McChord North Clear  
 Zone  
 (Lakewood) . . . . . \$900,000  
 Compatible Lands Foundation, Fairchild  
 REPI  
 Easement Acquisition (Spokane) . . . .  
 \$2,500,000  
 Crescent Elementary (Oak Harbor) . . . .  
 \$13,600,000  
 ((Lakewood Water District, Water Well  
 (K-3, G-4)  
 (Lakewood) . . . . . \$1,860,000))  
 Oak Harbor Early Learning Center (Oak  
 Harbor) . . . . . \$13,900,000  
 Quincy Square Civic Improvements  
 (Bremerton) . . . . . \$1,750,000  
 Whidbey Camano Land Trust, Keystone  
 Preserve  
 (Greenbank) . . . . . \$1,300,000

(2) \$3,720,000 of the model toxics  
 control capital account—state appropriation  
 in this section is provided solely for  
 Lakewood Water District, Water Well (K-3,  
 G-4) (Lakewood) . . . . . \$3,720,000

**Appropriation:**  
 Model Toxics Control Capital Account—  
 State . . . . . \$3,720,000  
 State Building Construction Account—  
 State . . . . . ((~~\$35,810,000~~))  
 \$33,950,000  
 Subtotal Appropriation . . . . . \$37,670,000  
 Prior Biennia (Expenditures) . . . . \$0  
 Future Biennia (Projected Costs).  
 ((~~\$48,800,000~~))  
 \$56,240,000  
 TOTAL . . . . . ((~~\$84,610,000~~))  
 \$93,910,000

**NEW SECTION. Sec. 1014.** A new section  
 is added to 2023 c 474 (uncodified) to read  
 as follows:

**FOR THE DEPARTMENT OF COMMERCE**  
 Crisis Stabilization Facility-Trueblood  
 Phase 3 (40000601)

**Appropriation:**  
 Capital Community Assistance Account—  
 State . . . . . \$5,000,000  
 Prior Biennia (Expenditures) . . . . \$0  
 Future Biennia (Projected Costs).  
 \$5,000,000  
 TOTAL . . . . . \$10,000,000

**NEW SECTION. Sec. 1015.** A new section  
 is added to 2023 c 474 (uncodified) to read  
 as follows:

**FOR THE DEPARTMENT OF COMMERCE**  
 Communities of Concern (40000603)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards under chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department shall include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) The appropriation in this section is provided solely for the following list of projects:

Addis Village. . . . .	\$795,000
FHPM Childcare Project. . . . .	\$200,000
FHPM Kitsap Way Village. . . . .	\$200,000
Monterey Lofts Renovation - Phase 2. . . . .	\$987,000
Nuwe Reis Village at Barker Creek. . . . .	\$2,953,000
Rainier Valley Homeownership Initiative. . . . .	\$500,000
Seattle Indian Services Commission. . . . .	\$300,000

Seattle Tibetan Community Center	\$432,000
<b>Appropriation:</b>	
State Building Construction Account—	
State. . . . .	\$6,367,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$25,468,000	
<b>TOTAL.....</b>	<b>\$31,835,000</b>

NEW SECTION. **Sec. 1016.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Green Jobs and Infrastructure Grants (40000604)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$21,450,000 of the appropriation in this section is provided solely for grants to projects that demonstrate high-wage, clean job creation in Washington, provide risk reduction for investments in public and private infrastructure in order to increase a community's capacity for clean manufacturing, or provide investments in workforce development to attract and train the workforce required to grow the clean energy economy.

(b) Grants must be provided to eligible entities to help mitigate and reverse the effects of climate change, help communities meet their energy and climate change regulatory requirements, bring increased federal and private investment to the state, help develop the advanced workforce of the future, and ensure Washington state maintains or grows its position as a world leader in developing the projects and processes that are used to fight climate change globally. Eligible activities under this section include, but are not limited to, planning predevelopment, design, engineering, and construction of clean technology projects.

(c) Entities eligible for grants under this section include, but are not limited to, local governments, federally recognized tribal governments and tribes' contracted service providers, public and private utilities, ports, associate development organizations, for-profit entities, academic and research institutions, nonprofit organizations, and state agencies.

(d) Projects eligible for funding must be physically located in Washington state. Eligible projects must be consistent with the state energy strategy adopted under chapter 43.21F RCW and clean energy policies under chapter 19.405 RCW. Projects must further the goals of the climate commitment act as described in RCW 70A.65.260(1)(j).

(e) The department must consider equity and environmental justice when developing the program structures and opportunities for applicant participation and must follow principles established in its community engagement plan adopted under RCW 70A.02.050.

(f) When soliciting and evaluating grant application proposals, awarding contracts, and monitoring projects under this section, the department must:

(i) Use competitive processes to select all projects, except as otherwise noted in this section. The department must design a competitive process to allow provision of grant award to projects in a timely manner and consistent with the project timeline. Applications must be accepted on a rolling basis, and final determination must be made by the department;

(ii) Ensure compliance with all applicable laws related to the project selection process, project monitoring, and contracting; and

(iii) Prioritize projects that leverage the greatest amount of matching funds, such as local levy funding or private investment in advanced manufacturing capability.

(g) Project applicants must disclose all sources of public funding invested in a project. Grant contracts must provide that if, after a grant has been awarded, the department finds that a grantee has violated chapter 42.52 RCW, either in procuring or performing under the grant, the department in its sole discretion may terminate the grant funding by written notice, and that, if the grant is terminated, the department will reserve its right to pursue all available remedies under law to address the violation.

(2) \$750,000 of the appropriation in this section is provided solely for the department to support access to and to flexibly administer the program. The department may use these funds to hire full-time equivalent positions within the department, as well as contract for additional capacity and subject matter expertise.

(3) \$150,000 of the appropriation in this section is provided solely for the Longview Industrial Symbiosis Park project.

(4) \$150,000 of the appropriation in this section is provided solely for the Pasco Agricultural Symbiosis Industrial Park project.

(5) \$2,500,000 of the appropriation in this section is provided solely for the Myno carbon removal facility.

(6) (a) Subsections (1) through (4) of this section take effect January 1, 2025.

(b) If the climate commitment account is repealed as of December 30, 2024, then subsections (1) through (4) of this section are null and void on December 31, 2024, and the amounts provided for in subsections (1) through (4) of this section shall lapse.

**Appropriation:**

Climate Commitment Account—State.	
\$25,000,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs).	
\$100,000,000	
<b>TOTAL.....</b>	<b>\$125,000,000</b>

**NEW SECTION. Sec. 1017.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**  
Clean Energy Community Grants (40000606)

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) \$42,388,000 of the appropriation in this section is provided solely for the department to administer noncompetitive grants to nonprofit organizations, local governments, federally recognized tribal governments and tribal entities, state agencies, housing authorities, ports, transit agencies, research organizations, and eligible third-party administrators for planning, design, and implementation of capital projects and clean energy technologies that reduce greenhouse gas emissions in vulnerable, overburdened, and tribal communities identified by the department. The department must prioritize grants providing meaningful benefit to vulnerable populations in overburdened communities as defined under RCW 70A.02.010.

(b) Eligible uses of grant funds include, but are not limited to, planning for sustainable communities and predesign work, energy efficiency improvements, renewable energy generation, increasing the supply of affordable, energy efficient housing, developing resilient and sustainable infrastructure systems, zero-emission, active mobility, and micromobility transportation infrastructure, education and engagement, and workforce development.

(2) \$7,612,000 of the appropriation in this section is provided solely for Lummi Indian business council clean energy projects.

(3) Up to three percent of the appropriation in this section is for the department to administer the grant program. Administration includes, but is not limited to, identifying eligible communities and third-party administrators, providing technical assistance, managing contracts, reporting, and providing planning and implementation assistance.

(4) For the purposes of this section, "eligible third-party administrators" means entities that have sufficient expertise and relationships within the identified community to help plan for, design, or implement capital projects that reduce greenhouse gases or develop clean energy resources for the community.

(5) (a) This section takes effect January 1, 2025.

(b) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

**Appropriation:**

Climate Commitment Account—State.	
\$50,000,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs).	
\$200,000,000	
<b>TOTAL.....</b>	<b>\$250,000,000</b>

**NEW SECTION. Sec. 1018.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**  
2025 Local and Community Projects (40000614)

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

(1) The department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards under chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.

(5) In contracts for grants authorized under this section, the department shall include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The department must comply with the requirements set forth in executive order 21-02 and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of these projects on cultural resources and historic properties. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) \$58,862,000 of the state building construction account—state appropriation in this section is provided solely for the following list of projects:

192nd & Hemlock Public Engagement and Design Program. . . . .	\$129,000
23rd & Cherry Fellowship Hall Renovation Pre-development. . . . .	\$110,000
Abu Bakr Youth Center Renovation	\$350,000
Adams County Evidence Processing & Public Safety Improvements. . . . .	\$1,000,000
African Business Innovation Center	\$25,000
Alatheia Capacity Building Capital Project. . . . .	\$150,000
Aquatic Center At Martin Luther King Jr. Park. . . . .	\$75,000

Auburn Downtown Plaza Design/Development . . . . .	\$258,000
Bainbridge Island Senior/Community Center . . . . .	\$100,000
Battle Ground Health Care Clinic	\$400,000
Battle Ground Senior Center. . . . .	\$309,000
Benaroya Hall Street Front Poster Boxes. \$200,000	
BIPOC Farm Fresh HUB. . . . .	\$103,000
Bremerton Mason County Sewer Expansion. \$3,000,000	
Buckley Foothills Trailhead Doc Tait Pavilion. . . . .	\$52,000
Buddhist Temple Arson Restoration	\$225,000
California Creek Estuary Park Expansion. \$185,000	
Chamber of Commerce Historical Archive. \$38,000	
Charter Park Master Plan Bathroom	\$52,000
Chelan County Hazard Mitigation.	\$98,000
Chimacum Grange Hall Roofing Replacement . . . . .	\$26,000
Chinese American Legacy Artwork Project. \$25,000	
City of Bonney Lake ADA Accessible Playground. . . . .	\$151,000
City of Lacey Regional Public Safety Training Center. . . . .	\$50,000
City of Mill Creek Veteran's Monument Expansion & Memorial. . . . .	\$258,000
City of Roy Water Infrastructure	\$300,000
City of Sequim Park Acquisition.	\$171,000
CLC Childcare Fire Alarm System.	\$77,000
Coastal CAP Fire Remodel. . . . .	\$515,000
Columbia Basin Rodeo Association Bleachers. . . . .	\$258,000
Columbia Grange #87 Safety Improvements. \$25,000	
Commercial Platform Lift. . . . .	\$17,000
Connections Mental Health. . . . .	\$44,000
Cougar Mountain Zoo Indoor Educational Exhibit Space. . . . .	\$206,000
Council for the Homeless Building Rehabilitation. . . . .	\$200,000
Coupeville Boy and Girls Club Pathway. . \$36,000	
Crescent Grange Hall Urgent Roof Repairs . . . . .	\$103,000
Crosby Community Center Restoration. . . \$412,000	
Davenport Senior Center Capital Improvement. . . . .	\$120,000
Des Moines Marina Electrification	\$100,000
District Distributed Antenna System Installation. . . . .	\$258,000
Douglas Building HVAC Replacement	\$110,000
Downtown Camas Lighting Transformation Project. . . . .	\$300,000
DV Shelter and Advocacy Center HVAC Upgrade. . . . .	\$100,000
Eatonville Community Track & Field Restrooms. . . . .	\$300,000
Edmonds BGC Capital Project. . . . .	\$300,000
Elevator Purchase and Installation. . . . \$274,000	
Ellensburg Community Fieldhouse.	\$72,000
Emergency Communications Radio Microwave . . . . .	\$235,000
Engineering and Surveying of Essential Fire Recovery. . . . .	\$300,000
Eritrean Community Center Expansion. . . \$100,000	
Everest Park Facilities Update.	\$300,000
Everett Labor Temple Roof. . . . .	\$500,000
FACYV and APIC Building. . . . .	\$103,000

FareStart Job Training & Social  
Enterprise Capital  
Improvements. . . . . \$300,000  
Fire Station 41 Headquarters. . \$300,000  
Fire Station Restoration. . . . \$314,000  
Firefighting PPE Decontamination CO2  
Demonstration  
Project. . . . . \$100,000  
Florence Robison North Park Equipment  
Replacement. . . . . \$173,000  
Foss Waterway Seaport Esplanade Connector  
. . . . . \$185,000  
Gage Academy of Art South Lake Union  
Building. . . . . \$100,000  
Garfield Super Block. . . . . \$3,000,000  
GCA Dignity Completion. . . . . \$112,000  
Glenwood Little League Facility  
Improvements. . . . . \$50,000  
Goldsborough Switching Station. . \$52,000  
Goodwill Land Acquisition for  
Redevelopment. . . . . \$3,000,000  
Granger Community Electric Sign. \$31,000  
Granite Falls Boys & Girls Club. \$103,000  
Green Waste Recycling at Point Roberts.  
\$94,000  
Idylwood Beach Park Accessibility  
Improvements. . . . . \$215,000  
Inclusive Playground at Cirque Park. . .  
\$258,000  
Institute for Black Justice. . . \$75,000  
Intergenerational Community and Expanded  
Aquatic  
Center. . . . . \$206,000  
Japanese American Exclusion Visitor  
Center - I. . . . . \$300,000  
Kalama Community Building Architectural  
Survey. . . . . \$62,000  
Kelso Rotary Park. . . . . \$72,000  
KidsQuest Children's Museum Stories of  
Water. . . . . \$350,000  
Kirkland BGC Upgrades and Expansion. . .  
\$128,000  
KVH Surgical Services Clinic Remodel. .  
\$100,000  
La Center Wheel Club Community Center  
Remodel. . . . . \$250,000  
Lake Sacajawea Irrigation Pump. \$200,000  
Lakebay Marina Renovation and Historic  
Preservation. . . . . \$206,000  
Latah Valley Fire Station. . . . \$350,000  
Latah Water System Rehabilitation Project  
. . . . . \$187,000  
Lincoln Creek Grange #407. . . . \$81,000  
Little Saigon Landmark. . . . . \$100,000  
Lopez Food Center. . . . . \$197,000  
Lynnwood Convention Center Expansion. .  
\$400,000  
Main Street. . . . . \$42,000  
Manson Grange Hall Improvement Project.  
\$193,000  
Maple Valley Permanent Message Boards. .  
\$200,000  
Mason PUD No. 1 Lilliwaup Corner Project  
. . . . . \$1,800,000  
Matlock Grange Safety & Structure  
Improvements. . . . . \$90,000  
Medical Equipment Bank - Building \$250,000  
Mt View Grange. . . . . \$100,000  
Municipal Services Campus Design &  
Infrastructure. . . . . \$103,000  
Murakami Building. . . . . \$100,000  
Nespelem Community Park. . . . . \$52,000  
New Facility for South Kitsap Helpline.  
\$250,000  
Next Chapter Maroon Village. . . \$315,000  
NEYFS Creativity Project. . . . . \$93,000

North Mason Food Bank Relocation. \$47,000  
Northside Flood Reduction and Open Spaces  
. . . . . \$223,000  
NWYS PAD Shelter Whatcom County. \$250,000  
Oak Harbor Recreation Center Feasibility  
Study. . . . . \$200,000  
Ohop Grange Insulation & Electrical  
Upgrades. . . . . \$36,000  
Olalla Recovery Centers Facility  
Improvements. . . . . \$250,000  
Old Swim Hole Revitalization Project. .  
\$206,000  
Omak Arena LED Lighting Project. \$185,000  
Open Doors for Multicultural Families. .  
\$5,000,000  
Operation GROW - A Regional Processing  
Facility for WA. . . . . \$42,000  
Oroville Grange Drainage Remediation. .  
\$62,000  
Othello Water Supply. . . . . \$400,000  
Parkwood Community Club Repairs. \$232,000  
PAWS Community Support Center. . \$250,000  
Pea Patch Community Campus. . . \$360,000  
People's Community Center. . . . \$400,000  
Perry Tech for Clean Energy Jobs. . . .  
\$5,000,000  
Pierce Center for Arts & Technology. . .  
\$129,000  
Port of Benton Inland. . . . . \$240,000  
Port of Quincy Business & Event Center  
Upgrade. . . . . \$309,000  
Port of Skagit Granary Expansion \$125,000  
Preserve and Maintain RTOPT Theatre \$77,000  
Prosser Clubhouse. . . . . \$105,000  
Providence Academy Elevator &  
Rehabilitation. . . . . \$103,000  
Public Dock Emergency Repair. . . \$41,000  
Puget Sound Estuarium Property. \$250,000  
Rainier Beach Family Empowerment Center.  
\$100,000  
Redmond Academy Renovations. . . \$87,000  
Regional Sports Complex-Site Evaluation  
and  
Pre-Design. . . . . \$300,000  
Rehab and Care Center Shower Renovation.  
\$206,000  
Rejuvenation Community Day Center \$500,000  
Renovations for Children's Developmental  
Center. . . . . \$174,000  
Republic Library and Community Center. .  
\$315,000  
Resurface and Revitalize Prescott Public  
Pool. . . . . \$98,000  
Riverwalk Sports and Entertainment  
Facility. . . . . \$309,000  
Rose Valley Grange Capital Improvement.  
\$40,000  
Roza Drought Funding. . . . . \$200,000  
Ruston Community Center Repairs & ADA  
Improvements. . . . . \$360,000  
School Playground Renovation. . . \$258,000  
Seattle Aquarium Ocean Pavilion. \$400,000  
Seattle Black Panther Legacy Project. .  
\$200,000  
Seattle Storm Center. . . . . \$500,000  
Sheffield Trail. . . . . \$100,000  
Shelton Multi-Use Trail. . . . . \$206,000  
Skagit PUD Olsen Creek Waterline  
Relocation. . . . . \$300,000  
Skamania County Public Safety Radio  
System. . . . . \$200,000  
South Camano Grange #930. . . . \$132,000  
South End Community Center. . . \$200,000  
South King Cultural Public Market \$77,000  
South Seattle Community Food Hub \$135,000



South Yakima Avenue Senior Housing. . . . \$400,000  
 Southwest Washington Fair Equestrian Facility. . . . \$206,000  
 Spokane CD Gray and Oregon Road Forest Fire Recovery. . . . \$975,000  
 Spokane Scale House Market & Kitchen. . . \$300,000  
 Spokane Valley Cross Country Course. . . \$150,000  
 Stanwood Police Station. . . . \$100,000  
 Summit Park Sewer Upgrade Project \$103,000  
 Sunnyside Beach Park Beach Nourishment Project. . . . \$103,000  
 Sunnyside Safe Haven Baby Box. . . \$16,000  
 SVE Expansion Equipment & Furnishing. . \$108,000  
 SW Youth & Family Services HVAC Replacement. . . . \$165,000  
 Tekoa Parks and Recreation. . . \$200,000  
 Terrain Cultural Hub. . . . \$207,000  
 Town of Index Safety and ADA Access Improvements. . . . \$25,000  
 Transload Area Sewer. . . . \$515,000  
 Tristate Health Hospital. . . . \$1,000,000  
 Tukwila Health & Wellness Center. \$25,000  
 Tumwater Mazama Pocket Gopher Habitat Acquisition and Restoration. . . . \$2,000,000  
 Uplift Northwest's Beacon of Hope \$300,000  
 Vancouver Family Resource Center Expansion. . . . \$200,000  
 Vancouver Waterfront Gateway Event Plaza . . . . \$197,000  
 W. Valley Centennial Middle School Field Fences & Dugout. . . . \$32,000  
 WA Soldier's Home Cemetery Pavement & Parking Extension. . . . \$72,000  
 Wahkiakum PUD - Puget Island Water Source Project. . . . \$309,000  
 Waitsburg Childcare Center. . . \$100,000  
 Wallace Heights Septic Elimination. . . \$515,000  
 Washington Masonic Services Library & Museum Remodel. . . . \$47,000  
 Water Treatment Facility Project \$920,000  
 Water Valve-Pipeline, Intersection Replacement. . . . \$103,000  
 Water Way 18 Dock Replacement. . \$250,000  
 West Echo Lake Public Engagement and Design Program. . . . \$129,000  
 Western Ranchettes Water Distribution System. . . . \$150,000  
 Wilkeson Town Hall Renovation. . \$134,000  
 Yakima Trolley Carbnr Fire Suppression System. . . . \$197,000  
 Yakima Valley Local Crime Lab Facility. \$200,000  
 Yelm Activated Alleyway. . . . \$46,000

(9) \$5,122,000 of the model toxics control stormwater account—state appropriation in this section is provided solely for the following list of projects:

Boat Haven Stormwater Improvement. . . . \$3,100,000  
 Silver Bay Logging Property Acquisition. \$1,250,000  
 City of Puyallup Stormwater. . . \$772,000

(10) \$4,641,000 of the model toxics control capital account—state appropriation in this section is provided solely for the following list of projects:

APCC Asbestos Abatement. . . . \$286,000  
 Spokane and Pend Oreille County Gray and Oregon Road Fire Cleanup. . . . \$3,500,000  
 PFAS Treatment at City of DuPont Water Wells. . . . \$855,000

(11) \$500,000 of the state building construction account—state appropriation and \$100,000 of the climate commitment account—state appropriation in this section is provided solely for the Langley Library Historic Preservation project.

(12) \$40,000 of the climate commitment account—state appropriation in this section is provided solely for the Temple Association Energy Efficiency Improvements project.

(13) In addition to the requirements in subsection (5) of this section, the contract for the Goodwill Land Acquisition for Redevelopment (Seattle) project must require that the redevelopment of the property into affordable housing under subsection (8) of this section be completed within 10 years of the contract execution.

**Appropriation:**

Model Toxics Control Capital Account—State. . . . \$4,641,000  
 Model Toxics Control Stormwater Account—State. . . . \$5,122,000  
 State Building Construction Account—State. . . . \$59,362,000  
 Climate Commitment Account—State \$140,000  
**Subtotal Appropriation. . . . \$69,265,000**  
 Prior Biennia (Expenditures). . . . \$0  
 Future Biennia (Projected Costs). \$237,448,000  
**TOTAL. . . . \$306,713,000**

**NEW SECTION. Sec. 1019.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2023-25 Community Solar Resilience Hubs (40000620)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants to increase solar deployment and installation of battery storage in community buildings to enhance grid resiliency and provide backup power for critical needs, such as plug load and refrigeration for medication, during outages, or to provide incentives to support electric utility demand response programs that include customer-sited solar and battery storage systems. Eligible uses of the amounts provided in this section include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities.

(2) The department may:  
 (a) Provide information to applicants about available clean energy tax credits and incentives, including elective pay, that may be applicable to the project for which state funding is being sought;

(b) Inquire, as part of the application, which tax credits and incentives the applicant plans to seek for the project;

(c) Prioritize projects seeking any applicable clean energy tax credits and incentives when developing and applying competitive criteria for selecting recipients under this section; and

(d) Consider the availability of any federal tax credits or other federal or nonfederal grants or incentives that the applicant may benefit from in review of the application.

(3) Funding awards made under this section may not exceed 100 percent of the cost of the project.

(4) For the purposes of this section "community buildings" means K-12 schools, community colleges, community centers, recreation centers, libraries, tribal buildings, state and local government buildings, and other publicly owned infrastructure.

(5) Up to three percent of the appropriation in this section is for the department to administer the grant program.

**Appropriation:**

Climate Commitment Account—State.	
\$38,000,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs).	
\$152,000,000	
<b>TOTAL.....</b>	<b>\$190,000,000</b>

**NEW SECTION. Sec. 1020.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2023-25 Community Solar (40000621)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for a grant program to provide solar and battery storage community solar projects for organizations serving low-income communities. Eligible uses of the amounts provided in this section include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities.

(2) The department may:

(a) Provide information to applicants about available clean energy tax credits and incentives, including elective pay, that may be applicable to the project for which state funding is being sought;

(b) Inquire, as part of the application, which tax credits and incentives the applicant plans to seek for the project;

(c) Prioritize projects seeking any applicable clean energy tax credits and incentives when developing and applying competitive criteria for selecting recipients under this section; and

(d) Consider the availability of any federal tax credits or other federal or nonfederal grants or incentives that the applicant may benefit from in review of the application.

(3) Funding awards made under this section may not exceed 100 percent of the cost of the project.

(4) Priority must be given to projects sited on "preferred sites" such as rooftops, structures, existing impervious surfaces,

landfills, brownfields, previously developed sites, irrigation canals and ponds, storm water collection ponds, industrial areas, dual-use solar projects that ensure ongoing agricultural operations, and other sites that do not displace critical habitat or productive farmland.

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

(6) Up to three percent of the appropriation in this section is for the department to administer the grant program.

**Appropriation:**

Climate Commitment Account—State.	
\$6,000,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs).	
\$24,000,000	
<b>TOTAL.....</b>	<b>\$30,000,000</b>

**NEW SECTION. Sec. 1021.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2023-25 Community EV Charging (40000622)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as provided in subsection (10) of this section, the appropriation in this section is provided solely for grants for the development of community electric vehicle charging infrastructure.

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

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

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

(5) The department must prioritize funding for projects in the following order:

(a) Multifamily housing;

(b) Publicly available charging at any location;

(c) Schools and school districts;

(d) State and local government buildings and office buildings;

(e) All other eligible projects.

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

(7) The department may:

(a) Provide information to applicants about available clean energy tax credits and incentives, including elective pay, that may be applicable to the project for which state funding is being sought;

(b) Inquire, as part of the application, which tax credits and incentives the applicant plans to seek for the project;

(c) Prioritize projects seeking any applicable clean energy tax credits and incentives when developing and applying competitive criteria for selecting recipients under this section; and

(d) Consider the availability of any federal tax credits or other federal or nonfederal grants or incentives that the applicant may benefit from in review of the application.

(8) Funding awards made under this section may not exceed 100 percent of the cost of the project.

(9) Up to three percent of the appropriation in this section is for the department to administer the grant program.

(10) \$412,000 of the appropriation in this section is provided solely for the following list of projects:

Town of Steilacoom Electrical Charging Station	
Infrastructure . . . . .	\$103,000
EV Chargers Federal Way Community Center . . . . .	\$309,000

**Appropriation:**

Climate Commitment Account—State.	\$105,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$420,000,000
<b>TOTAL</b> . . . . .	<b>\$525,000,000</b>

**NEW SECTION. Sec. 1022.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Energy Efficiency Revolving Loan Fund Capitalization Program (40000629)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the energy efficiency revolving loan fund capitalization program in section 40502 of P.L. 117-58 (infrastructure investment and jobs act). The department's expenditures under this section may not exceed the actual amount of grant funding awarded.

**Appropriation:**

Energy Efficiency Revolving Loan Capitalization

Account—State . . . . .	\$1,869,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> . . . . .	<b>\$1,869,000</b>

**NEW SECTION. Sec. 1023.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2026 FIFA World Cup (40000650)

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

(1) (a) The state building construction account—state appropriation in this section is provided solely for the following list of projects for capital improvements required to host the 2026 World Cup in Seattle:

University of Washington Practice Field.	\$2,577,000
Seattle University Practice Field . . . . .	\$1,017,000
Washington State Public Stadium Authority . . . . .	\$6,406,000

(b) As a condition of receiving moneys, Seattle University must provide one-to-one matching funds for the improvement of the practice field and make the practice field available as needed for the 2026 World Cup.

(2) The stadium world cup capital account—state appropriation in this section is provided solely for the purpose of advancing funds, to the extent needed, to the Washington state public stadium authority for capital improvements required to host the 2026 FIFA World Cup. Loan and repayment terms must be in accordance with the provisions of section 9, chapter . . . (Engrossed Senate Bill No. 6098), Laws of 2024.

**Appropriation:**

State Building Construction Account—State . . . . .	\$10,000,000
Stadium World Cup Capital Account—State . . . . .	\$10,000,000
<b>Subtotal Appropriation</b> . . . . .	<b>\$20,000,000</b>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> . . . . .	<b>\$20,000,000</b>

**Sec. 1024.** 2023 c 474 s 1019 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2023-25 Youth Shelters and Housing (91001682)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the following list of projects:

Community Youth Services (Olympia) . . . . .	\$200,000
Housing and Services for Youth Wellness (Seattle) . . . . .	\$5,000,000
<u>New Horizons (King County) . . . . .</u>	<u>\$75,000</u>
OlyCap Pfeiffer House (Port Townsend) . . . . .	<del>(\$70,000)</del> <u>\$97,000</u>
ROOTS Young Adult Shelter Phase 2 Renovations (Seattle) . . . . .	\$1,500,000

Safe Harbor Support Center (Kennewick).  
\$300,000  
Serenity House (Port Angeles). . . \$50,000  
Shelton Young Adult Transitional Housing  
(Shelton). . . . . \$1,200,000  
Skagit Valley Family YMCA (Mt. Vernon).  
\$2,200,000  
VOA Crosswalk 2.0 (Spokane). . . \$2,500,000  
YouthCare (Seattle). . . . . ((\$1,500,000))  
\$2,500,000

(2) The department may not expend funding for a project in this section unless and until the nonstate share of that project's 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. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) Prior to receiving funding, grant recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to grants for preconstruction activities or grants in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(4) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the department finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Appropriation:**

State Building Construction Account—  
State. . . . . ((\$14,520,000))  
\$15,622,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs).  
((\$58,080,000))  
\$62,488,000  
TOTAL..... ((\$72,600,000))  
\$78,110,000

**Sec. 1025.** 2023 c 474 s 1035  
(uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
Local Emission Reduction Projects  
(91002184)

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

(1) The appropriations in this section are provided solely for the following list of projects:

Algae Carbon Sequestration and  
Regenerative Soils. . . . . \$2,500,000  
C6 Forest to Farm Biochar Pilot Plant  
(Leavenworth). . . . . \$1,425,000  
College Place Fire Department Energy  
Efficiency. . . . . \$1,137,000  
Douglas PUD Storage & Fuel Cell \$1,348,000

Great Northern School District HVAC  
Installation (Spokane). . . \$1,613,000  
((Hydrogen Storage & Fuel Cell for Peak  
Shaving  
(Okanogan). . . . . \$1,648,000))  
HAPO Community Center. . . . . \$3,000,000  
Kenmore Public Works Geothermal System.  
\$464,000  
KVH Hydrogen Storage System. . . \$300,000  
Meydenbauer Center Energy Efficiency  
(Bellevue). . . . . \$6,000,000  
Outdoor Fields LED Retrofit and Solar  
Installation  
(Tukwila). . . . . \$500,000  
Nisqually Indian Tribe Microgrid System.  
\$8,600,000  
Process Water Reuse Facility (Pasco). . .  
\$5,050,000  
Small Faces Preschool HVAC Upgrades  
(Seattle). . . . . \$435,000  
Squaxin Island Tribe Blue Carbon  
Sequestration. . . . . \$3,050,000  
SW Youth & Family Services HVAC  
Replacement. . . . . \$273,000  
Tacoma Power Grid Upgrades & Feasibility  
Study. . . . . \$2,875,000  
Waterfront Low Carbon District Energy  
System  
(Bellingham). . . . . \$100,000

(2) The department may not expend funding for a project in this section unless and until the nonstate share of that project's 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. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(3) Prior to receiving funding, grant recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to grants for preconstruction activities or grants in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(4) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the department finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(5) (a) This section takes effect January 1, 2025.

(b) If the climate commitment account or the natural climate solutions account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

**Appropriation:**

Climate Commitment Account—State.  
((\$15,346,000))  
\$31,695,000  
Natural Climate Solutions Account—State  
. . . . . ((\$1,425,000))

	<u>\$6,975,000</u>
Subtotal Appropriation.....	(( <u>\$16,771,000</u> ))
	<u>\$38,670,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	(( <u>\$0</u> ))
	<u>\$87,396,000</u>
TOTAL.....	(( <u>\$16,771,000</u> ))
	<u>\$126,066,000</u>

**Sec. 1026.** 2023 c 474 s 1041 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Public Utilities Relocation (91002418)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the public works board to enter into a professional services contract for the purpose of estimating the cost to local governments and special purpose districts for relocating publicly owned utility infrastructure due to state-funded fish barrier removal projects associated with roads and highways. The public works board shall consult with the department of transportation, the Brian Abbott fish barrier removal board, the transportation improvement board, the county road administration board, the department of fish and wildlife, the interagency, multijurisdictional system improvement team established in RCW 43.155.150, the municipal research and services center, the department of commerce, and other agencies as necessary, to evaluate the financial impact to local governments and special purpose districts.

(2) The public works board shall report to the governor and the appropriate fiscal committees of the legislature by ((November)) December 1, 2024, the results of the evaluation, including the estimated:

(a) Number of state and locally owned fish barriers remaining to be corrected;

(b) Number of fish barriers that may require relocation of publicly owned utilities; and

(c) Costs for relocation of publicly owned utilities due to removal of fish barriers along local or state roads and highways.

**Appropriation:**

Public Works Assistance Account—State.	
\$300,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	<u>\$300,000</u>

**NEW SECTION. Sec. 1027.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

HB 2131 - Thermal Energy Networks (91002447)

The appropriation in this section is subject to the following conditions and limitations:

(1) This section takes effect January 1, 2025.

(2) If the climate commitment account is repealed as of December 30, 2024, then this

section is null and void on December 31, 2024.

(3) If House Bill No. 2131 (thermal energy networks) is not enacted by June 30, 2024, this section is null and void.

**Appropriation:**

Climate Commitment Account—State.	
\$5,000,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$20,000,000
TOTAL.....	<u>\$25,000,000</u>

**NEW SECTION. Sec. 1028.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Multifamily Bldg Efficiency Grants (91002449)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$53,970,000 of the climate commitment account—state appropriation in this section is provided solely for the department to issue grants or loans to affordable multifamily projects within the housing trust fund portfolio to decarbonize and transition off the direct use of fossil fuels.

(2) Awards may include, but are not limited to: Conducting benchmarking, technical assistance, energy management, operations and maintenance planning, deep retrofits, energy efficiency upgrades and greenhouse gas emission reductions, renewable energy generation, installation of high-efficiency electric appliances and equipment, including high-efficiency heat pumps, and other decarbonization investments.

(3) Individual awards may not exceed \$10,000,000. The department must award funding at a sufficient level to complete the financing package necessary for an applicant to accomplish the requested scope of work. The department must prioritize providing meaningful benefits to vulnerable populations in overburdened communities as defined in RCW 70A.02.010.

(4) \$1,030,000 of the appropriation in this section is provided solely for the Vancouver Housing Authority Energy Retrofit project.

(5) (a) This section takes effect January 1, 2025.

(b) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

**Appropriation:**

Climate Commitment Account—State.	
\$55,000,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$220,000,000
TOTAL.....	<u>\$275,000,000</u>

**NEW SECTION. Sec. 1029.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Clean Building Performance Grants (91002451)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$25,000,000 of the appropriation in this section is provided solely for clean building performance grants for tier 1 covered buildings as defined in RCW 19.27A.200.

(2) \$15,427,000 of the appropriation in this section is provided solely for clean building performance grants for public buildings.

(3) \$3,050,000 of the appropriation in this section is provided solely for the Spokane public facilities district.

(4) \$773,000 of the appropriation in this section is provided solely for Spokane county energy efficiency upgrades.

(5) \$750,000 of the appropriation in this section is provided solely for Tacoma fleet maintenance building decarbonization.

(6) This section takes effect January 1, 2025.

(7) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation:

Climate Commitment Account—State.	
\$45,000,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$180,000,000
TOTAL.....	\$225,000,000

**NEW SECTION. Sec. 1030.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**  
Harborview (91002471)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section is provided solely for a grant to King county for the implementation of projects listed in the 2020 Harborview bond initiative and variations thereof, including expansion of those projects. The appropriation provided must be used for predesign, siting, and design costs related to a new behavioral health services building, and predevelopment costs for a Pioneer Square behavioral health services clinic. The county must submit any predesign to the appropriate legislative committees by February 1, 2025.

Appropriation:

State Building Construction Account—	
State . . . . .	\$5,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$5,000,000

**NEW SECTION. Sec. 1031.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Climate Resilience & Environmental Equity Campus (91002476)

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's office of economic development to contract with an economic development corporation to analyze and provide recommendations related to the creation and implementation of a climate resilience and environmental equity campus to be located in southern King county. The department's analysis must include evaluation of multiple sites in southern King county for their suitability as a campus pursuant to this section.

(2) The analysis process created in subsection (1) of this section must include iterative consultation with the following stakeholders: (a) Potential industry partners in the fields of climate resilience and environmental equity; (b) the state board of community and technical colleges, including Highline community college; (c) the public four-year institutions of higher education; (d) private institutions of higher education; (e) entities with expertise in the provision of early learning, including outdoor early learning; (f) the office of the superintendent of public instruction; (g) the department of natural resources; (h) an environmental scientist with knowledge of climate resilience; (i) entities in the fields of environmental justice, environmental equity, and community and civic engagement; (j) the city of Auburn; (k) the city of Federal Way; (l) the greater Federal Way chamber of commerce; and (m) members of the house of representatives serving southern King county. The department must also request consultation and participation from local Indian tribes in this process.

(3) The recommendations provided pursuant to subsection (1) of this section must include identification of: (a) The educational and community engagement programming to be offered on the campus, including climate resilience and environmental equity programming; (b) potential industry partners for development of the campus; and (c) potential funding options to support the creation, maintenance, and operations of the campus, including state, federal, and private sources.

(4) The recommendations provided pursuant to subsection (1) of this section must be developed with the intent to create a campus that would: (a) Create workforce training opportunities for postsecondary students pursuing careers in climate-focused science, technology, engineering, and mathematics through on-site training and internships in science, technology, engineering, mathematics, social justice, community engagement, and civic skills; (b) develop and strengthen college and university-industry relationships through promotion of faculty collaboration with the climate science and environmental resilience industry; (c) encourage a full range of projects from small research projects to large scale, multipartner projects; (d) work with industry partners to effectively market career opportunities in climate-focused

science, technology, engineering, and mathematics in Washington state, diversify the workforce, and educate the public on the pathways to success in these career fields; (e) work with colleges, universities, and industry partners to develop an industry-recognized certificate to be offered to postsecondary students who complete training at the climate resilience and environmental equity campus; and (f) create educational opportunities for younger learners, including those enrolled in early learning and in kindergarten through the 12th grade, to engage with climate science and the natural world.

(5) The department must report its analysis and recommendations pursuant to this section to the governor and the legislature no later than December 31, 2024.

**Appropriation:**

State Taxable Building Construction Account—	
State . . . . .	\$250,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$250,000</b>

**NEW SECTION. Sec. 1032.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

The Arc Legacy Center (91002637)

**Appropriation:**

State Building Construction Account—	
State . . . . .	\$1,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$1,000,000</b>

**NEW SECTION. Sec. 1033.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Hard-to-Decarbonize Sector & Economic Development Grants (91002641)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$45,000,000 of the appropriation in this section is provided solely for the office of economic development and competitiveness to administer a grant program that advances the goals of improving the state's progress towards greenhouse gas emissions reduction goals, reducing emissions in hard-to-decarbonize sectors, and bringing private investment and federal funding to the state.

(b) The office must prioritize projects that leverage the greatest amount of matching funds, such as local levy funding, federal funding, or private investment.

(c) Entities eligible for grants under this section include, but are not limited to, local governments, federally recognized tribal governments and tribes' contracted service providers, public and private utilities, ports, associate development organizations, for-profit entities, academic and research institutions, nonprofit organizations, and state agencies.

(d) To the extent practicable, the office shall prioritize grants that provide benefit to vulnerable populations in overburdened communities, as defined in RCW 70A.65.010, with a goal of directing at least 20 percent of funds to this purpose.

(2) Up to five percent of the appropriation in this section is for the office to administer the grant program, including providing technical assistance.

(3) \$4,800,000 of the appropriation in this section is provided solely for the Kaiser Aluminum Boiler Replacement project, which replaces two existing 1943 vintage steam boilers with two new boilers. The Kaiser Aluminum Boiler Replacement project must provide a one-to-one match with state funds. It is the intent of the legislature that if this appropriation is not spent by June 30, 2027, the funding provided in this subsection will lapse and not be reappropriated.

**Appropriation:**

Climate Commitment Account—State.	
\$49,800,000	
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$199,200,000
<b>TOTAL</b> .....	<b>\$249,000,000</b>

**Sec. 1034.** 2023 c 474 s 6076

(uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Broadband Office (92000953)

The ((reappropriations)) appropriations in this section are subject to the following conditions and limitations: The ((reappropriations)) appropriations are subject to the provisions of section 7016 of this act, except that:

(a) The \$225,000 provided for the Point Roberts rural broadband project is appropriated from the state building construction account—state, and not the coronavirus capital projects account—federal; and

(b) The amounts appropriated from the coronavirus capital projects account—federal do not need to be obligated by December 31, 2024.

**Reappropriation:**

Coronavirus Capital Projects Account—	
Federal . . . . .	\$124,726,000
Coronavirus State Fiscal Recovery Fund—	
Federal . . . . .	\$150,522,000
State Building Construction Account—	
State . . . . .	\$26,878,000
<b>Subtotal Reappropriation</b> .....	<b>\$302,126,000</b>

**Appropriation:**

State Building Construction Account—	
State . . . . .	\$225,000
Prior Biennia (Expenditures) . . . . .	\$1,468,000
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>(\$303,594,000)</b>
	\$303,819,000

**Sec. 1035.** 2023 c 474 s 1038

(uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Public Facility Improvement Fund (92001367)

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

(1) \$24,000,000 of the youth athletic facility account—state appropriation and \$1,162,000 of the state building construction account—state appropriation in this section ((is))are provided solely for the following list of projects:

Bellingham: Joe Martin Stadium.	\$700,000
<u>City of Everett ((School District—Everett Memorial))</u> : New Stadium.	\$7,400,000
Lower Columbia College: David Story Field	\$1,300,000
<u>Lower Columbia College: Softball Facilities.</u>	\$700,000
Pasco: Gesa Stadium.	\$3,000,000
Port Angeles: Civic Field.	\$600,000
Ridgefield: Ridgefield Outdoor Recreational Complex.	\$450,000
Spokane County: Avista Stadium	\$5,800,000
Tacoma: Cheney Stadium.	\$3,000,000
Walla Walla: Borleske Stadium.	\$525,000
Wenatchee Valley College: Paul Thomas Sr. Field.	\$700,000
<u>Wenatchee Valley College: Softball Facilities.</u>	\$462,000
Yakima County: Yakima County Stadium.	\$525,000

(2) The funding appropriated under this section must be combined with local funds.

(3) The department may not expend funding for a project in this section unless and until the nonstate share of that project's 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. This requirement does not apply to projects where a share of the appropriation is for design costs only.

(4) Prior to receiving funding, grant recipients must demonstrate that the project site is under control for a minimum of 10 years, either through ownership or a long-term lease. This requirement does not apply to grants for preconstruction activities or grants in which the sole purpose is to purchase real property that does not include a construction or renovation component.

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the department finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(6) \$360,000 of the state building construction account—state appropriation in this section is provided solely for administrative costs.

**Appropriation:**

State Building Construction Account—	
State . . . . .	(((\$360,000))
	<u>\$1,522,000</u>

Youth Athletic Facility Account—State.	\$24,000,000
Subtotal Appropriation. . . . .	(((\$24,360,000))
	<u>\$25,522,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	(((\$24,360,000))
	<u>\$25,522,000</u>

**Sec. 1036.** 2023 c 474 s 1026 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 2023-25 Dental Capacity Grants (92001393)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding provided in this section must be used for the construction and equipment directly associated with dental facilities. The funding provided in this section is for projects that are maintained for at least a 10-year period and provide capacity to address unmet patient need and increase efficiency in dental access.

(2) The amount provided in this section is provided solely for the following list of projects:

<u>Community Health Association of Spokane.</u>	\$80,000
<u>Community Health Center of Snohomish County.</u>	\$300,000
CVCH East Wenatchee Dental Clinic (East Wenatchee).	\$1,850,000
HealthPoint (Seattle).	\$490,000
Lake Roosevelt Community Health Center (Inchelium).	\$160,000
Lake Roosevelt Community Health Center (Keller).	\$80,000
<u>Moses Lake Community Health Center</u>	<u>\$72,000</u>
Neighborcare Health (Seattle).	\$1,800,000
Peninsula Community Health Services (Bremerton).	\$495,000
PNWU Dental School (Yakima).	\$5,000,000
Sea Mar Community Health Center (Tacoma)	\$3,500,000
Seattle Indian Health Board (Seattle).	\$305,000
<u>Yakima Dental Clinic.</u>	<u>\$4,400,000</u>
Yakima Valley Farm Workers Clinic (Kennewick).	\$4,000,000

**Appropriation:**

State Building Construction Account—	
State . . . . .	(((\$17,680,000))
	<u>\$22,532,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs).	(((\$70,720,000))
	<u>\$90,128,000</u>
TOTAL . . . . .	(((\$88,400,000))
	<u>\$112,660,000</u>

**NEW SECTION. Sec. 1037.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**  
 Energy Northwest (92001720)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$25,000,000 of the appropriation in this section is provided solely as



nonfederal support for energy northwest's participation in the United States department of energy's loan programs office part 2 application, including due diligence review and environmental impact review. The legislature intends to leverage federal funds whenever possible and is a committed partner with the United States department of energy in funding activities that increase carbon free clean energy.

(2) Consistent with the provisions of RCW 70A.65.305, the department must consult with any affected federally recognized tribe on the potential effect of this project on tribal resources. Consultation must be initiated before project funds are made available.

(3) This section takes effect January 1, 2025.

(4) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

**Appropriation:**

Climate Commitment Account—State.  
\$25,000,000  
Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$25,000,000

**NEW SECTION. Sec. 1038.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Geothermal Energy Resources (92001925)

The appropriation in this section is subject to the following conditions and limitations:

(1) This section takes effect January 1, 2025.

(2) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

(3) If Senate Bill No. 6039 (geothermal energy resources) is not enacted by June 30, 2024, this section is null and void.

**Appropriation:**

Climate Commitment Account—State \$542,000  
Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$542,000

**Sec. 1039.** 2023 c 474 s 1045 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Capitol Campus Security & Safety Enhancements (40000226)

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

(1) The reappropriation is subject to the provisions of section 1110, chapter 332, Laws of 2021.

(2) The appropriation in this section is provided solely for the following list of projects:

Capitol Campus Access Controls - Exterior Doors . . . . . \$1,000,000  
Executive Residence Video Surveillance and Lighting

Improvements . . . . . \$540,000  
Wedge Barriers - Syd Snyder & Water Street . . . . . \$1,570,000  
Executive Residence - Fencing, Gates, Bollards . . . . . \$1,621,000

**Reappropriation:**

State Building Construction Account—  
State . . . . . \$5,135,000

**Appropriation:**

State Building Construction Account—  
State . . . . . ((~~\$3,110,000~~))  
\$4,731,000

Prior Biennia (Expenditures) . . . \$922,000  
Future Biennia (Projected Costs).  
\$11,682,000

TOTAL..... ((~~\$20,849,000~~))  
\$22,470,000

**Sec. 1040.** 2023 c 474 s 1046 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Facility Professional Services Staffing (40000244)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is 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 biennium, the department must report to the office of financial management and the appropriate committees of the legislature on performance, including the following:

(a) The number of projects managed by each project manager by fiscal year;

(b) The number of project predesigns completed on time, reported by project and fiscal year;

(c) The number of project designs completed, reported by project and fiscal year;

(d) The number of project constructions completed on time, reported by project and fiscal year and in total;

(e) Projects that were not completed on schedule, how many days they were delayed, and the reasons for the delays;

(f) The number and cost of the change orders and the reason for each change order; and

(g) A list of the interagency agreements executed with state agencies during the 2023-2025 fiscal biennium to provide staff support to state agencies that is over and above the allocation provided in this section. The list must include the agency, the amount of dollars by fiscal year, and the rationale for the additional service.

**Appropriation:**

State Building Construction Account—  
State . . . . . ((~~\$23,951,000~~))  
\$26,251,000

Prior Biennia (Expenditures) . . . . \$0  
Future Biennia (Projected Costs).  
((~~\$95,804,000~~))

\$105,004,000  
TOTAL..... ((~~\$119,755,000~~))  
\$131,255,000

**Sec. 1041.** 2023 c 474 s 1047 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 Campus - Critical Fire System Upgrades (40000245)

~~((The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided to fund the first item on the department's prioritized list of critical fire system upgrades. The legislature intends to fund further priorities in the 2024 supplemental capital budget upon completion of the department's evaluation and final prioritization of fire system upgrades.))~~

**Appropriation:**

State Building Construction Account—  
 State . . . . . ((\$1,020,000))  
                                           \$2,765,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . .  
 ((\$8,000,000))  
                                           \$14,000,000  
 TOTAL.....((\$9,020,000))  
                                           \$16,765,000

**Sec. 1042.** 2023 c 474 s 1054 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 Washington Building (40000331)

The appropriation((s)) in this section ((are))is subject to the following conditions and limitations:

(1) ~~(((\$2,200,000 of the state building construction account state appropriation is provided solely for replacement of the roof and for asbestos abatement.~~

~~((2) \$2,801,000 of the climate commitment account state appropriation is provided solely for replacement of the HVAC system.))~~ \$150,000 of the appropriation in this section is provided solely for the development of a plan and necessary steps to vacate and dispose of the Washington building and property. No later than September 15, 2024, the department must submit to the governor and the capital committees of the legislature a timeline and proposed budget for each item below that includes:

(a) A plan to relocate the current tenants of the building on or near the capitol campus. In identifying space, the department must also look to space that may be currently leased but is being underutilized. The plan must include a statement of the revenue for each of the current tenants;

(b) Improvements and maintenance necessary for the comfort and safety of the current tenants until the building can be vacated;

(c) Preservation of the building pending disposal of either the building or property, or both; and

(d) Recommendations for the most efficient use of the building and property that minimizes the cost to the state.

(2) The department must work with legislative support services to identify

space that meets the long-term needs of the tenants.

**Appropriation:**

~~((Climate Commitment Account—State—~~  
~~\$2,801,000))~~  
 State Building Construction Account—  
 State . . . . . ((\$2,200,000))  
                                           \$1,001,000  
 ((Subtotal Appropriation. . . . . \$5,001,000))  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . . \$0  
 TOTAL.....((\$5,001,000))  
                                           \$1,001,000

**Sec. 1043.** 2023 c 474 s 1055 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 Old Cap - Roof Replacement (40000338)

**Appropriation:**

State Building Construction Account—  
 State . . . . . \$5,276,000  
 Thurston County Capital Facilities  
 Account—State . . . . . \$1,474,000  
 Subtotal Appropriation . . . . . \$6,750,000  
 Prior Biennia (Expenditures) . . . . . \$0  
 Future Biennia (Projected Costs) . . . . .  
 ((\$5,579,000))  
                                           \$0  
 TOTAL.....((\$7,053,000))  
                                           \$6,750,000

**Sec. 1044.** 2023 c 474 s 1061 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
 Legislative Campus Modernization (92000020)

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

(1) The reappropriations are subject to the provisions of section 1059, chapter 296, Laws of 2022.

(2) The department must consult with the senate facilities and operations committee or its designees and the house of representatives' executive rules committee or its designees at least every other month.

(3) All appropriations must be coded and tracked as separate discrete subprojects in the agency financial reporting system.

(4) If the department receives information, after value engineering has been performed, that projected costs for any of the subprojects in subsections (5), (6), or (7) of this section will exceed the amount provided in the respective subsections, including projected costs in future biennia, the department must timely notify and provide that information in writing to the project executive team. Prior to proceeding with design or construction, the department must:

(a) Provide at least three options that do not include square footage reduction to reduce the subproject costs to stay within the amount provided for that subproject and the project schedule;

(b) Consult with the project executive team on the options offered, prior to proceeding with a reduced cost option; and

(c) Receive majority consensus from the project executive team to either adopt and

move forward with reduced cost options that bring the subproject costs within amounts appropriated or adopt a tentative modified budget for the subproject. If a tentative modified budget is adopted, the department must seek additional funding in the next agency budget submittal.

(5) ~~((20,751,000))~~ \$25,651,000 of the ~~((amount provided))~~ state building construction account—state appropriation in this section is provided solely for the Irv Newhouse building replacement design and construction subproject on opportunity site six west. The department must:

(a) Start Newhouse building construction by July 1, 2023;

(b) Complete Newhouse building construction by October 31, 2024; and

(c) Consult with the leadership of the senate, or their designees, at least every month, beginning July 1, 2023.

(6) ~~((87,000,000))~~ \$84,593,000 of the ~~((amount provided))~~ state building construction account—state appropriation in this section is provided solely for the rehabilitation, design, and construction of the Pritchard building and the renovation of the John L. O'Brien building subproject. The legislature intends to provide funding in the amount of ~~((136,504,000))~~ \$134,097,000 over the course of the 2023-2025 and the 2025-2027 fiscal biennia for design and construction of this project. Pursuant to RCW 43.88.130, the department may enter into a multibiennium contract for the construction of the subproject. Nothing in this section authorizes the agency to make an expenditure without an appropriation.

(7) ~~((4,865,000))~~ \$11,872,000 of the ~~((amount provided))~~ state building construction account—state appropriation and \$1,000,000 of the climate commitment act—state appropriation in this section is provided solely for the legislative campus modernization global subproject that includes, but is not limited to, the visitor lot (opportunity site six east), 15th avenue southwest, the John A. Cherberg parking lot on 15th avenue southwest, the John L. O'Brien parking lot on 15th avenue southwest, Columbia street site work, the legislative modular building, and Water street site work.

(8) \$1,000,000 of the model toxics control capital account—state appropriation in this section is provided solely for Newhouse parcel soil decontamination.

Reappropriation:

State Building Construction Account—  
State . . . . . \$72,346,000  
Thurston County Capital Facilities  
Account—State . . . . . \$2,665,000  
Subtotal Reappropriation . . . . . \$75,011,000

Appropriation:

Climate Commitment Account—State.  
\$1,000,000  
State Building Construction Account—  
State . . . . . ~~((112,616,000))~~  
\$122,116,000  
Model Toxics Control Capital Account—  
State . . . . . \$1,000,000  
Subtotal Appropriation . . . . . \$124,116,000  
Prior Biennia (Expenditures). \$14,925,000

Future Biennia (Projected Costs).  
\$49,504,000  
TOTAL . . . . . ~~((252,056,000))~~  
\$263,556,000

Sec. 1045. 2023 c 474 s 1062 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
Temple of Justice HVAC, Lighting & Water Systems (92000040)

The appropriations in this section are subject to the following conditions and limitations: Subject to available funding, up to \$1,000,000 of the appropriations in this section may be used for carpeting and painting within the Temple of Justice.

Reappropriation:

State Building Construction Account—  
State . . . . . ~~((25,410,000))~~  
\$23,610,000

Appropriation:

Capitol Building Construction Account—  
State . . . . . ~~((4,007,000))~~  
\$5,307,000  
Prior Biennia (Expenditures). \$4,590,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL . . . . . ~~((34,007,000))~~  
\$33,507,000

NEW SECTION. Sec. 1046. A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**  
Cal Anderson Memorial (92000058)

Appropriation:

State Building Construction Account—  
State . . . . . \$75,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs). . . \$0  
TOTAL . . . . . \$75,000

Sec. 1047. 2023 c 474 s 1065 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**  
Tri-Cities Readiness Center (30000808)

Reappropriation:

General Fund—Federal . . . . . \$1,421,000  
(Military Department Capital Account—  
State . . . . . \$204,000)  
State Building Construction Account—  
State . . . . . \$265,000  
Subtotal Reappropriation . . . . . ~~((1,890,000))~~  
\$1,686,000

Appropriation:

General Fund—Federal . . . . . \$2,000,000  
State Building Construction Account—  
State . . . . . \$944,000  
Subtotal Appropriation . . . . . \$2,944,000  
Prior Biennia (Expenditures). \$16,010,000  
Future Biennia (Projected Costs). . . \$0  
TOTAL . . . . . ~~((20,844,000))~~  
\$20,640,000

Sec. 1048. 2023 c 474 s 1070 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**  
Camp Murray Bldg 34 Renovation (40000192)

Appropriation:

General Fund—Federal. . . . .	(\$4,915,000)
	<u>\$5,410,000</u>
State Building Construction Account—	
State. . . . .	(\$3,425,000)
	<u>\$4,589,000</u>
Subtotal Appropriation.....	<u>(\$8,340,000)</u>
	<u>\$9,999,000</u>
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	<u>(\$8,340,000)</u>
	<u>\$9,999,000</u>

NEW SECTION. Sec. 1049. 2023 c 474 s 1034 (uncodified) is repealed.

(End of part)

**PART 2  
HUMAN SERVICES**

NEW SECTION. Sec. 2001. A new section is added to 2023 c 474 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study & Treatment Center-Gymnasium: Floor Replacement (40000555)

Appropriation:

State Building Construction Account—	
State. . . . .	\$1,925,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	<u>\$1,925,000</u>

NEW SECTION. Sec. 2002. A new section is added to 2023 c 474 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Rainier School-Laundry: Commercial Washing Machines Replacement (40000971)

Appropriation:

State Building Construction Account—	
State. . . . .	\$1,855,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	<u>\$1,855,000</u>

Sec. 2003. 2023 c 474 s 2026 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Water System: Assessment and Improvements (40001089)

The appropriation in this section is subject to the following conditions and limitations: As part of its assessment, the department must conduct a long-term cost-benefit analysis of transitioning the water system to the ((City of)) Lakewood Water District and any cost mitigation strategies available to the state.

Appropriation:

State Building Construction Account—	
State. . . . .	\$2,490,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	<u>\$2,490,000</u>

NEW SECTION. Sec. 2004. A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Olympic Heritage Behavioral Health - Facility Modernization (40001145)

Appropriation:

Capital Community Assistance Account—	
State. . . . .	\$13,700,000
State Building Construction Account—	
State. . . . .	\$855,000
Subtotal Appropriation.....	<u>\$14,555,000</u>
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$10,350,000
TOTAL.....	<u>\$24,905,000</u>

NEW SECTION. Sec. 2005. A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-East Campus: Well Replacement (40001149)

Appropriation:

Model Toxics Control Capital Account—	
State. . . . .	\$4,540,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	<u>\$4,540,000</u>

NEW SECTION. Sec. 2006. A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Olympic Heritage Behavioral Health - Facility Purchase (40001153)

Appropriation:

State Building Construction Account—	
State. . . . .	\$30,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL.....	<u>\$30,000,000</u>

Sec. 2007. 2023 c 474 s 6148 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study & Treatment Center - Youth Housing (91000084)

Reappropriation:

State Building Construction Account—	
State. . . . .	\$350,000

Appropriation:

State Building Construction Account—	
State. . . . .	<u>\$5,061,000</u>
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	<u>((#0))</u>
	<u>\$31,849,000</u>
TOTAL.....	<u>(\$350,000)</u>
	<u>\$37,260,000</u>

Sec. 2008. 2023 c 474 s 2031 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane - Rapid BH Bed Capacity  
(92000046)

TOTAL..... \$2,200,000

**Reappropriation:**

State Building Construction Account—  
State..... \$800,000

**Appropriation:**

State Building Construction Account—  
State..... \$21,070,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs).....  
\$20,200,000  
TOTAL..... ~~(\$41,270,000)~~  
\$42,070,000

**Sec. 2009.** 2023 c 474 s 2035  
(uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF HEALTH**

Drinking Water System Rehabilitations and  
Consolidations (40000065)

The appropriation in this section is  
subject to the following conditions and  
limitations: ~~(\$2,214,000)~~ \$2,536,000 of the  
state building construction account—state  
appropriation is provided solely for the  
department to facilitate a water supply  
agreement between the City of North Bend and  
the Sallal Water System. Of that amount,  
~~(\$1,507,000)~~ \$1,829,000 must be distributed  
to the Sallal Water System and \$707,000 to  
the City of North Bend, conditional on a  
signed water supply agreement that ensures  
~~(a minimum of)~~ up to 100 acre feet per year  
of ~~(permanent)~~ mitigation water supply  
~~(for)~~ to the city for a minimum of 30  
years.

**Appropriation:**

State Building Construction Account—  
State..... ~~(\$5,000,000)~~  
\$5,322,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs).....  
\$12,000,000  
TOTAL..... ~~(\$17,000,000)~~  
\$17,322,000

**NEW SECTION. Sec. 2010.** A new section  
is added to 2023 c 474 (uncodified) to read  
as follows:

**FOR THE DEPARTMENT OF HEALTH**

Emergency Generator for Environmental  
Laboratory Wing (40000072)

**Appropriation:**

State Building Construction Account—  
State..... \$3,219,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs)..... \$0  
TOTAL..... \$3,219,000

**NEW SECTION. Sec. 2011.** A new section  
is added to 2023 c 474 (uncodified) to read  
as follows:

**FOR THE DEPARTMENT OF HEALTH**

Hannah Heights PFAS Contaminated Well and  
Water Supply (92000210)

**Appropriation:**

Model Toxics Control Capital Account—  
State..... \$2,200,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs)..... \$0

**Sec. 2012.** 2023 c 474 s 2044  
(uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**  
WSVC - Burial and Columbarium Expansion  
Grant (40000092)

**Appropriation:**

General Fund—Federal..... ~~(\$3,000,000)~~  
\$4,868,000  
State Building Construction Account—  
State..... ~~(\$300,000)~~  
\$541,000  
Subtotal Appropriation..... ~~(\$3,300,000)~~  
\$5,409,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs)..... \$0  
TOTAL..... ~~(\$3,300,000)~~  
\$5,409,000

**Sec. 2013.** 2023 c 474 s 2046  
(uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

DVA ARPA Federal Funds & State Match  
(91000013)

The appropriations in this section are  
subject to the following conditions and  
limitations: The appropriations are subject  
to the provisions of section 7064 of this  
act, except that the department may apply  
for federal funding other than that under  
section 8004 of the American rescue plan act  
of 2021, P.L. 117.2, and minor works  
projects funded under this section need not  
meet the requirements of section 8004 of the  
American rescue plan act of 2021, P.L.  
117.2.

**Reappropriation:**

General Fund—Federal..... ~~(\$24,495,000)~~  
\$24,515,000  
State Building Construction Account—  
State..... ~~(\$10,849,000)~~  
\$10,882,000  
Subtotal Reappropriation..... ~~(\$35,344,000)~~  
\$35,397,000

**Appropriation:**

State Building Construction Account—  
State..... \$6,810,000  
Prior Biennia (Expenditures)..... ~~(\$55,000)~~  
\$2,000  
Future Biennia (Projected Costs)..... \$0  
TOTAL..... \$42,209,000

**Sec. 2014.** 2023 c 474 s 2049  
(uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND  
FAMILIES**

Echo Glen Secure Facility Improvements  
(40000546)

**Appropriation:**

State Building Construction Account—  
State..... ~~(\$8,050,000)~~  
\$12,554,000  
Prior Biennia (Expenditures)..... \$0  
Future Biennia (Projected Costs)..... ~~(\$0)~~  
\$800,000  
TOTAL..... ~~(\$8,050,000)~~  
\$13,354,000

NEW SECTION. **Sec. 2015.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Green Hill School HVAC Upgrades (40000584)

**Appropriation:**

Climate Commitment Account—State.	
\$3,449,000	
State Building Construction Account—	
State. . . . .	\$1,997,000
Subtotal Appropriation. . . . .	\$5,446,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
\$11,000,000	
TOTAL. . . . .	\$16,446,000

NEW SECTION. **Sec. 2016.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

Echo Glen Academic School Walkway Roofing & Lighting (40000586)

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$500,000

NEW SECTION. **Sec. 2017.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

SW: Electric Car Chargers (40000178)

The appropriation in this section is subject to the following conditions and limitations:

- (1) This section takes effect January 1, 2025.
- (2) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void and the amounts provided in this section shall lapse.

**Appropriation:**

Climate Commitment Account—State	\$600,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
\$9,660,000	
TOTAL. . . . .	\$10,260,000

NEW SECTION. **Sec. 2018.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WCCW: MSC Living Unit Bathroom Renovations (40000263)

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$500,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
\$8,290,000	
TOTAL. . . . .	\$8,790,000

NEW SECTION. **Sec. 2019.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Westside Prison Housing Unit HVAC (40000516)

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$350,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$350,000

NEW SECTION. **Sec. 2020.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

SW: Security Electronics Renewal & Adaptation (40000523)

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$800,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$800,000

NEW SECTION. **Sec. 2021.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

SW: Fire Alarm Systems Stabilization Project (40000524)

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$750,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$750,000

NEW SECTION. **Sec. 2022.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

SW: Perimeter Fence Detection Stabilization Project (40000525)

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$750,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$750,000

NEW SECTION. **Sec. 2023.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WSP: IMU South Fire Protection & Smoke Dampers (40000526)

**Appropriation:**

State Building Construction Account—	
State. . . . .	\$4,622,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$4,622,000

NEW SECTION. **Sec. 2024.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WCCW: Women's Elder Care Unit (40000527)

**Appropriation:**

State Building Construction Account—	
State . . . . .	\$250,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$250,000

NEW SECTION. **Sec. 2025.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Medical Intake Modular Building (40000528)

**Appropriation:**

State Building Construction Account—	
State . . . . .	\$1,200,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$1,200,000

(End of part)

**PART 3**

**NATURAL RESOURCES**

**Sec. 3001.** 2023 c 474 s 3028 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2023-25 Columbia River Water Supply Development Program (40000583)

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

(1) \$32,800,000 of the state building construction account—state appropriation in this section is provided solely for planning, designing, engineering, development, coordination, and construction of the Odessa groundwater replacement project, sufficient to irrigate the acres located within the Odessa Subarea Special Study and facilities modifications necessary to accommodate capacity demands resulting from the individual public delivery systems within the Odessa groundwater replacement program.

(a) To be eligible for a grant under this subsection (1), a project must have at least 30 percent of its design work completed by July 1, 2023.

(b) The east Columbia basin irrigation district may only be allowed to make any administrative charges sufficient to administer the state grants, not to exceed one percent of amounts provided to them within this appropriation, with the requirement to report administrative expenditures to the office of Columbia river annually.

(2) \$850,000 of the state building construction account—state appropriation in this section is provided solely for the department to enter into an agreement with the United States bureau of reclamation to reimburse the bureau for costs related to the design and review activities necessary to complete the transfer of the groundwater replacement delivery system title to the United States by the east Columbia basin

irrigation district and to secure project reserved power for public delivery systems.

(3) \$5,500,000 of the state building construction account—state appropriation in this section is provided solely for the Odessa - OGWRP EL 22.1 pipeline turnouts project.

**Appropriation:**

Columbia River Basin Water Supply Revenue Recovery Account—State . . . . .	\$1,500,000
State Building Construction Account—	
State . . . . .	(\$59,200,000)
	\$64,700,000
Subtotal Appropriation . . . . .	(\$60,700,000)
	\$66,200,000

Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$242,800,000
TOTAL . . . . .	(\$303,500,000)
	\$309,000,000

**Sec. 3002.** 2023 c 474 s 3032 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Landfill Methane Capture (40000611)

The appropriation in this section is subject to the following conditions and limitations:

((The)) (1) \$10,100,000 of the appropriation in this section is provided solely for the department to administer a grant program for landfills to comply with methane emission requirements established in chapter 70A.540 RCW.

(2) \$4,900,000 of the appropriation in this section is provided solely for the Cowlitz County PUD Landfill Methane Capture project.

**Appropriation:**

Climate Commitment Account—State.	\$15,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$60,000,000
TOTAL . . . . .	\$75,000,000

NEW SECTION. **Sec. 3003.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Cleanup Settlement Account Projects (40000613)

**Appropriation:**

Cleanup Settlement Account—State.	\$2,200,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$2,200,000

NEW SECTION. **Sec. 3004.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Eastside Fire and Rescue Pilot PFAS Cleanup (40000618)

**Appropriation:**

Model Toxics Control Capital Account—	
State . . . . .	\$2,000,000
Prior Biennia (Expenditures) . . . . .	\$0

Future Biennia (Projected Costs) . . .	\$0	<u>\$1,563,000</u>
TOTAL.....	\$2,000,000	

**NEW SECTION. Sec. 3005.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
City of Ruston Contamination Remediation (91000390)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to provide grants to the city of Ruston for portions of environmental cleanup costs not fully reimbursed by the settlement agreement with the American smelting and refining company LLC (ASARCO) for the Tacoma smelter site for the following list of projects:

Rust Park Remediation Phase 1 Land Acquisition and Site Preparation. . . . .	\$705,000
Ruston Right-of-Way Contaminated Soil Testing. . . . .	\$175,000
Winnifred Street Contaminated Soil Hauling. . . . .	\$229,000

**Appropriation:**  
Model Toxics Control Capital Account—  
State. . . . . \$1,109,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... \$1,109,000

**Sec. 3006.** 2023 c 474 s 3046 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**  
Nisqually New Full Service Park (40000153)

**Reappropriation:**  
State Building Construction Account—  
State. . . . . \$10,244,000

**Appropriation:**  
State Building Construction Account—  
State. . . . . ((~~\$21,825,000~~))  
\$25,327,000  
Prior Biennia (Expenditures). . . . . \$4,739,000  
Future Biennia (Projected Costs). . . . . ((~~\$15,099,000~~))  
\$16,033,000  
TOTAL..... ((~~\$51,907,000~~))  
\$56,343,000

**Sec. 3007.** 2023 c 474 s 6352 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**  
Fort Flagler Historic Theater Restoration (40000188)

**Reappropriation:**  
State Building Construction Account—  
State. . . . . \$67,000

**Appropriation:**  
State Building Construction Account—  
State. . . . . \$1,367,000  
Prior Biennia (Expenditures). . . . . \$129,000  
Future Biennia (Projected Costs). . . . . \$0  
TOTAL..... ((~~\$196,000~~))

**NEW SECTION. Sec. 3008.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**  
Lake Sammamish Dock Design & Permitting (40000461)

**Appropriation:**  
State Building Construction Account—  
State. . . . . \$250,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs). . . . . \$4,500,000  
TOTAL..... \$4,750,000

**Sec. 3009.** 2023 c 474 s 3051 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**  
2023-25 Capital Preservation Pool (91000443)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for minor works projects, as described in section 8017 of this act.
- (2) The state parks and recreation commission may not use the appropriation in this section for planning, predesign, or design costs that will result in a request for construction funding in a subsequent biennium.

**Appropriation:**  
State Building Construction Account—  
State. . . . . ((~~\$19,932,000~~))  
\$20,382,000  
Prior Biennia (Expenditures). . . . . \$0  
Future Biennia (Projected Costs). . . . . ((~~\$79,728,000~~))  
\$81,528,000  
TOTAL..... ((~~\$99,660,000~~))  
\$101,910,000

**NEW SECTION. Sec. 3010.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**  
Palouse to Cascades Trail Noxious Weed Inventory (92001130)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the commission to conduct a noxious weeds inventory on the Palouse to Cascades trail in Grant, Adams, and Whitman counties. The commission shall identify and document the species and geographic extent of noxious weeds, as selected pursuant to RCW 17.10.080 and 17.10.090, in the sections on either side of the trail within 25 feet of the center line of the trail. The commission must conduct the inventory along the full extent of the trail in Adams, Grant, and Whitman counties and in coordination with the associated county or regional noxious weed control board. The inventory must occur



during the time of year when the noxious weeds are fully developed and can be readily identified. The commission shall submit a report to the capital committees of the legislature, including inventory results and treatment recommendations, no later than December 1, 2024.

Appropriation:

Model Toxics Control Operating Account—State. . . . . \$50,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL..... \$50,000

Sec. 3011. 2023 c 474 s 3050 (uncodified) is amended to read as follows: FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden ((PDA—Geothermal Heating))Energy Efficiency Update (40000457)

Appropriation:

Climate Commitment Account—State. \$1,000,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$7,000,000
TOTAL..... \$8,000,000

Sec. 3012. 2023 c 474 s 3056 (uncodified) is amended to read as follows: FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Salmon Recovery Funding Board Grant Programs (40000054)

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

(1) \$2,400,000 of the state building construction account—state appropriation is provided solely to maintain the lead entity program as described in chapter 77.85 RCW.

(2) \$640,000 of the state building construction account—state appropriation is provided solely for regional fisheries enhancement groups created in RCW 77.95.060.

(3)(a) This section takes effect January 1, 2025.

(b) If the natural climate solutions account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation:

General Fund—Federal. . . . . \$75,000,000
Natural Climate Solutions Account—State \$25,000,000
State Building Construction Account—State. . . . . \$20,000,000
Subtotal Appropriation..... ((\$95,000,000)) \$120,000,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . ((\$380,000,000))
TOTAL..... \$480,000,000 ((\$475,000,000)) \$600,000,000

Sec. 3013. 2023 c 474 s 3062 (uncodified) is amended to read as follows: FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Community Forest Grant Program (40000060)

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

(1) The state building construction account—state appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-5-2023, developed April 10, 2023.

(2) The natural climate solutions account —state appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-1-2024, developed February 1, 2024. Projects on LEAP capital document No. RCO-1-2024 funded under this subsection are not also eligible to receive funding as alternate projects on LEAP capital document No. RCO-5-2023.

(3)(a) This section takes effect January 1, 2025.

(b) If the natural climate solutions account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation:

Natural Climate Solutions Account—State \$5,770,000
State Building Construction Account—State. . . . . \$7,807,000
Subtotal Appropriation. . . . . \$13,577,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . ((\$31,228,000))
TOTAL..... \$54,308,000 ((\$39,035,000)) \$67,885,000

Sec. 3014. 2023 c 474 s 3065 (uncodified) is amended to read as follows: FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2023-25 Washington Coastal Restoration and Resiliency Initiative (40000063)

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

(1) Except as provided under subsection (2) of this section, the state building construction account—state appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-8-2023, developed April 10, 2023.

(2) The recreation and conservation funding board may retain a portion of the funds appropriated from the state building construction account—state in this section for the administration of the grants. The portion of the funding retained for administration may not exceed 4.12 percent of the appropriation.

(3)(a) Except as provided for under (b) of this subsection, the natural climate solutions account—state appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-2-2024, developed February 1, 2024. Projects on LEAP capital document No. RCO-2-2024 funded under

this subsection (3) are not also eligible to receive funding as alternate projects on LEAP capital document No. RCO-8-2023.

(b) The board may retain up to \$314,000 of the amounts appropriated in this subsection (3) for administration of the grants.

(4)(a) This section takes effect January 1, 2025.

(b) If the natural climate solutions account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation:

Natural Climate Solutions Account—State	
\$7,928,000	
State Building Construction Account—	
State. . . . .	\$10,134,000
Subtotal Appropriation. . . . .	\$18,062,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
(((\$40,536,000))	
	\$72,248,000
TOTAL.....	(((\$50,670,000))
	\$90,310,000

Sec. 3015. 2023 c 474 s 3066 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2023-25 Brian Abbott Fish Barrier Removal Board (40000064)

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

(1) ~~((Except as provided under subsections (2) and (3) of this section, the))~~(a) \$21,092,000 of the natural climate solutions account—state appropriation and \$27,315,000 of the state building construction account—state appropriation((s)) in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-6-2023, developed April 10, 2023.

~~((2))~~(b) The recreation and conservation funding board may retain a portion of the funding appropriated in ~~((this section))~~(a) of this subsection for the administration of the grants. The portion of the funding retained for administration may not exceed \$1,356,000 from the state building construction account—state appropriation in this section.

~~((3))~~(c) The department of fish and wildlife may retain up to \$1,862,000 of the state building construction account—state appropriation in ~~((this section))~~(a) of this subsection for the Brian Abbott fish barrier removal board for technical assistance in developing projects for consideration.

(2)(a) \$22,198,000 of the natural climate solutions account—state appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-3-2024, developed February 1, 2024. Projects on LEAP capital document No. RCO-3-2024 funded under this subsection are not also eligible to receive funding as alternate projects on LEAP capital document No. RCO-6-2023.

(b) The recreation and conservation funding board may retain a portion of the funding appropriated in (a) of this subsection for the administration of the grants. The portion of the funding retained for administration may not exceed \$622,000 from the natural climate solutions account—state appropriation in this section.

(c) The department of fish and wildlife may retain up to \$854,000 of the natural climate solutions account—state appropriation in (a) of this subsection for the Brian Abbott fish barrier removal board for technical assistance in developing projects for consideration.

(3)(a) This section takes effect January 1, 2025.

(b) If the natural climate solutions account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation:

Natural Climate Solutions Account—State	
.....	(((\$21,092,000))
	\$43,290,000
State Building Construction Account—	
State. . . . .	\$27,315,000
Subtotal Appropriation. ....	(((\$48,407,000))
	\$70,605,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
(((\$193,628,000))	
	\$282,420,000
TOTAL.....	(((\$242,035,000))
	\$353,025,000

Sec. 3016. 2023 c 474 s 3064 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2023-25 Estuary and Salmon Restoration Program (40000062)

The appropriations in this section ~~((is))~~are subject to the following conditions and limitations:

(1) ~~((Except as provided under subsections (2) and (3) of this section, the))~~(a) The state building construction account—state appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-7-2023, developed April 10, 2023.

~~((2))~~(b) The recreation and conservation funding board may retain a portion of the funding appropriated in ~~((this section))~~(a) of this subsection for the administration of the grants. The portion of the funding retained for administration may not exceed \$545,000.

~~((3))~~(c) The department of fish and wildlife may retain a portion of the funding appropriated in ~~((this section))~~(a) of this subsection for costs related to technical assistance and program administration. The portion of the funding retained for costs related to technical assistance and program administration may not exceed \$545,000.

(2)(a) The natural climate solutions account—state appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-4-2024, developed

February 1, 2024. Projects on LEAP capital document No. RCO-4-2024 funded under this subsection are not also eligible to receive funding as alternate projects on LEAP capital document No. RCO-7-2023.

(b) The recreation and conservation funding board may retain up to \$423,000 of the funding appropriated in (a) of this subsection for the administration of the grants.

(c) The department of fish and wildlife may retain up to \$423,000 of the funding appropriated in (a) of this subsection for costs related to technical assistance and program administration.

(3)(a) This section takes effect January 1, 2025.

(b) If the natural climate solutions account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation:

Natural Climate Solutions Account—State	
\$11,110,000	
State Building Construction Account—	
State. . . . .	\$14,309,000
Subtotal Appropriation. . . . .	\$25,419,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
(((\$57,236,000))	
	\$101,676,000
TOTAL.....	(((\$71,545,000))
	\$127,095,000

**Sec. 3017.** 2023 c 474 s 3060 (uncodified) is amended to read as follows: **FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2023-25 Youth Athletics Facilities (40000058)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-3.1-2023, developed ((April 10) February 1, ((2023)) 2024.

Appropriation:

Youth Athletic Facility Account—State.	
\$10,440,000	
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$41,760,000	
TOTAL.....	\$52,200,000

**Sec. 3018.** 2023 c 474 s 3055 (uncodified) is amended to read as follows: **FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

2023-25 Washington Wildlife Recreation Program (40000053)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-1.1-2023, developed ((April 10, 2023)) March 2, 2024.

Appropriation:

Farm and Forest Account—State	\$12,000,000
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Habitat Conservation Account—State.	
\$54,000,000	
Outdoor Recreation Account—State.	
\$54,000,000	
Subtotal Appropriation. . . . .	\$120,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$480,000,000	
TOTAL.....	\$600,000,000

**Sec. 3019.** 2023 c 474 s 3080 (uncodified) is amended to read as follows: **FOR THE STATE CONSERVATION COMMISSION** 2023-25 Conservation Reserve Enhancement Program (CREP) (40000023)

The appropriations in this section are subject to the following conditions and limitations: The state conservation commission may expend the state building construction account—state appropriation and natural climate solutions account—state appropriation in this section as grants to private land owners who were enrolled in the conservation reserve enhancement program, and whose acreage meets state program goals of providing riparian habitat or hydrologically connected wetland enhancements in salmon-bearing streams as determined by the Washington state department of fish and wildlife, but are now disenrolled due to a contract termination by the United States department of agriculture (USDA) farm service agency, or who voluntarily terminated their enrollment as a result of the USDA farm service agency audit.

Appropriation:

Natural Climate Solutions Account—State	
. . . . .	\$11,000,000
State Building Construction Account—	
State. . . . .	\$4,000,000
Subtotal Appropriation. . . . .	\$15,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs).	
\$60,000,000	
TOTAL.....	\$75,000,000

**NEW SECTION. Sec. 3020.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

Anaerobic Digester Development (91001830)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$22,000,000 of the appropriation in this section is provided solely for grants to dairy farm owners for cost share agreements regarding anaerobic digester development. Grants awarded for anaerobic digester development must have at least a 50 percent nonstate match and be awarded through a competitive process that considers:

(i) The amount of greenhouse gas reduction expected to be achieved by the proposal; and

(ii) The amount of untreated effluent expected to be reduced by the proposal.

(b) Recipients of grants under this section must provide a report to the commission within one year of receipt of the grant, detailing the success of the project

in meeting the stated criteria in the competitive process.

(2) \$2,900,000 of the appropriation in this section is provided solely for the commission to provide financial and technical assistance for project predevelopment.

Appropriation:

Climate Commitment Account—State. \$24,900,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$99,600,000
TOTAL..... \$124,500,000

NEW SECTION. Sec. 3021. A new section is added to 2023 c 474 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Ringold Hatchery Replace Ponds (40000101)

Appropriation:

General Fund—Federal. . . . . \$10,834,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL..... \$10,834,000

Sec. 3022. 2023 c 474 s 3102 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works Preservation 23-25 (40000164)

Appropriation:

State Building Construction Account—State. . . . . ((\$11,255,000))
\$11,530,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . ((\$45,020,000))
TOTAL..... (\$56,275,000)
\$57,650,000

NEW SECTION. Sec. 3023. A new section is added to 2023 c 474 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Seki Boat Ramp Acquisition (40000255)

Appropriation:

State Building Construction Account—State. . . . . \$2,703,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$1,312,000
TOTAL..... \$4,015,000

NEW SECTION. Sec. 3024. A new section is added to 2023 c 474 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitchell Act BiOp Implementation (92001251)

Appropriation:

General Fund—Federal. . . . . \$536,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL..... \$536,000

NEW SECTION. Sec. 3025. A new section is added to 2023 c 474 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Washougal Intake Replacement (92001252)

Appropriation:

General Fund—Federal. . . . . \$14,274,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL..... \$14,274,000

Sec. 3026. 2023 c 474 s 3115 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

2023-25 State Trust Land Replacement (40000145)

Appropriation:

Community and Technical College Forest Reserve
Account—State. . . . . \$1,000,000
Natural Resources Real Property Replacement
Account—State. . . . . \$49,571,000
Resource Management Cost Account—State. ((\$30,000,000))
Subtotal Appropriation..... (\$80,571,000)
\$55,571,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . ((\$322,284,000))
TOTAL..... (\$402,855,000)
\$257,855,000

Sec. 3027. 2023 c 474 s 3120 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Revitalizing Trust Land Transfers (40000152)

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

(1) \$9,325,000 of the state building construction account—state appropriation and \$8,000,000 of the natural climate solutions account—state appropriation((s)) in this section are provided solely for projects approved by the legislature, as identified in LEAP capital document No. DNR-1-2023, developed April 10, 2023.

(2) \$10,804,000 of the natural climate solutions account—state appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. DNR-1-2024, developed March 2, 2024.

(3) (a) This section takes effect January 1, 2025.

(b) If the natural climate solutions account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation:

Natural Climate Solutions Account—State . . . . . ((\$8,000,000))
\$18,804,000
State Building Construction Account—State. . . . . \$9,325,000
Subtotal Appropriation..... ((\$17,325,000))

	<u>\$28,129,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	
(( <del>\$69,300,000</del> ))	
	<u>\$112,516,000</u>
TOTAL.....	<u>(\$86,625,000)</u>
	<u>\$140,645,000</u>

**Sec. 3028.** 2023 c 474 s 3122 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 2023-25 Minor Works Preservation (40000154)

**Appropriation:**

Model Toxics Control Capital Account—	
State . . . . .	\$824,000
State Building Construction Account—	
State . . . . .	(( <del>\$4,484,000</del> ))
	<u>\$5,219,000</u>
Subtotal Appropriation.....	<u>(\$5,308,000)</u>
	<u>\$6,043,000</u>
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	
(( <del>\$21,232,000</del> ))	
	<u>\$24,828,000</u>
TOTAL.....	<u>(\$26,540,000)</u>
	<u>\$30,871,000</u>

**NEW SECTION. Sec. 3029.** A new section is added to 2023 c 474 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Port Angeles Fire and Seasonal Employee Housing (40000409)

**Appropriation:**

State Building Construction Account—	
State . . . . .	\$488,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	
\$3,332,000	
TOTAL.....	\$3,820,000

**NEW SECTION. Sec. 3030.** A new section is added to 2023 c 474 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Land Bank Spending Authority (40000410)

**Appropriation:**

Land Bank Account—State . . . . .	\$20,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	
\$80,000,000	
TOTAL.....	\$100,000,000

**NEW SECTION. Sec. 3031.** A new section is added to 2023 c 474 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Drought Resilience Infrastructure Investments (40000411)

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

- (1) The appropriation in this section from the natural climate solutions account—state takes effect January 1, 2025.
- (2) If the natural climate solutions account is repealed as of December 30, 2024, then the amount appropriated in this section

from the natural climate solutions account—state shall lapse on December 31, 2024.

**Appropriation:**

Natural Climate Solutions Account—State . . . . .	\$500,000
State Building Construction Account—	
State . . . . .	\$250,000
Subtotal Appropriation.....	\$750,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$750,000

**NEW SECTION. Sec. 3032.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Recreational Target Shooting Pilot Sites (40000413)

**Appropriation:**

Firearms Range Account—State . . . . .	\$900,000
State Building Construction Account—	
State . . . . .	\$900,000
Subtotal Appropriation.....	\$1,800,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$1,800,000

**NEW SECTION. Sec. 3033.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 YMCA Camp Colman (40000424)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to address erosion-related impacts to Camp Colman resulting from the removal of a tidal gate and restoration of fish passage at Whiteman Cove. The department shall contract with the YMCA of greater Seattle for (1) the design and construction of two cabins; and (2) design and construction of ADA-compliant trails, road improvements to allow for emergency service access, and an expanded septic system that serves the two cabins.

**Appropriation:**

State Building Construction Account—	
State . . . . .	\$3,670,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL.....	\$3,670,000

**NEW SECTION. Sec. 3034.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
 Encumbered Lands - Acquisition (91000323)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Except as provided for under subsection (3) of this section, the appropriation in this section is provided solely for the department to acquire working forestlands in Wahkiakum county to be managed for increased carbon sequestration and carbon storage through sustainable timber harvests. Any land purchased must be managed under the department's habitat

conservation plan and policy for sustainable forests. Pursuant to subsection (2) of this section, it is the intent of the legislature that these lands serve as replacement land for structurally complex, carbon-dense forestlands designated for conservation and for existing encumbered state forestlands. Once purchased, the lands must be considered as part of the land bank created in RCW 79.19.020. The property must be purchased before the transfer of any existing trust land is fully executed.

(2) (a) If the department acquires land pursuant to subsection (1) of this section, it must use the lands acquired for the following purposes: (i) For the permanent conservation of structurally complex, carbon-dense forestland in the Capitol state forest in Thurston county, in the Green Mountain state forest in Kitsap county, in the Stillaguamish watershed in Snohomish county, or in the Elbe Hills State Forest in Pierce county; and (ii) as replacement state forestlands to replace existing encumbered state forestlands in Clallam, Pacific, Skamania, and Wahkiakum counties.

(b) If the department acquires land pursuant to subsection (1) of this section, it must allocate the value of any land acquired as follows: (i) Up to \$5,750,000 for the purposes specified in (a) (i) of this subsection (2); and (ii) up to \$8,750,000 for the purposes specified under (a) (ii) of this subsection (2).

(c) The department must designate any lands acquired related to (a) (ii) of this subsection (2) as state forest transfer lands.

(d) If the department acquires any replacement lands pursuant to this section, it must take the following actions: (i) Designate the lands acquired for management under the department's habitat conservation plan and policy for sustainable forests; (ii) ensure that any acquisition pursuant to this section complies with the allowable purposes of RCW 70A.65.270; and (iii) ensure that any replacement of structurally complex, carbon-dense forested trust land pursuant to (a) (i) of this subsection (2) be of equal value to the land conserved and that replacement land is purchased before the transfer is fully executed.

(e) Before conserving any forestland pursuant to (a) (i) of this subsection (2), the department must receive letters nominating specific parcels issued by the legislative authority of the county in which the forestland is located and the approval of the conservation parcel boundaries by the board of natural resources. In no instance may timber with a forest practice application approved prior to March 5, 2024, be considered for nomination. County parcel nomination and board approval pursuant to this process must be finalized prior to the transfer of the forestland pursuant to this section. Nothing in this subsection prohibits the conservation of up to 260 acres of structurally complex, carbon-dense forestland in Thurston county.

(f) In the 2023-2025 fiscal biennium, the department may designate the structurally complex, carbon-dense forested trust land identified in (a) (i) of this subsection (2) as a natural area preserve or a natural

resource conservation area notwithstanding the requirements of chapter 79.70 and 79.71 RCW.

(g) In the 2023-2025 fiscal biennium, the legislative authority of the county from which the real property was transferred pursuant to (a) (i) of this subsection (2) may not request that the department distribute a percentage of the proceeds associated with the valuable materials to the legislative authority of the county from which the real property was transferred.

(h) Before conserving any forestland pursuant to (a) (i) of this subsection (2), the legislative body of the county must request in writing to participate in a land pool in accordance with RCW 79.22.140.

(3) The department may use up to \$500,000 of the total appropriation in this section for its administrative costs pursuant to this section.

(4) This section takes effect January 1, 2025.

(5) If the natural climate solutions account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

**Appropriation:**

Natural Climate Solutions Account—State	\$15,000,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
<b>TOTAL</b> .....	<b>\$15,000,000</b>

**NEW SECTION. Sec. 3035.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Wildfire Reforestation (92000063)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$7,500,000 of the appropriation in this section is provided solely for postwildfire reforestation of the forestlands managed by the department of natural resources. The department must prioritize expenditures for the benefit of state trust lands.

(2) (a) \$2,500,000 of the appropriation in this section is provided solely for the department to administer grants for postwildfire reforestation on lands owned by tribes, nonprofit organizations, industrial and nonindustrial private forest landowners, local governments, and other state agencies. Lands owned by the federal government or lands managed by the department are not eligible for funds in this section.

(b) The department must establish criteria for the grant program funded in this section, allowing for land preparation, sourcing of seedlings, reforestation, and efforts to promote seedling survival.

(c) Criteria must include:

(i) A cost-share percentage for grant recipients of at least 50 percent of the grant award, including any in-kind contributions;

(ii) Minimum and maximum potential grant awards;

(iii) The prioritization of funds for direct reforestation efforts;

(iv) Ensuring that the applicant's projects are not required by law;

(v) Specific considerations for grant applicants proposing to include the reforestation of riparian buffers, potentially unstable slopes, or other areas where harvest is restricted due to state regulations that were affected by the underlying catastrophic event; and

(vi) Consideration of any relevant environmental justice assessments under RCW 70A.02.060.

**Appropriation:**

Natural Climate Solutions Account—State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
<b>TOTAL</b>	<b>\$50,000,000</b>

**NEW SECTION. Sec. 3036.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Fallen Firefighter Memorial (SHB 2091) (91000328)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for preconstruction and administrative implementation pursuant to Substitute House Bill No. 2091.

(2) If Substitute House Bill No. 2091 (fallen firefighter memorial) is not enacted by June 30, 2024, the amount provided in this section shall lapse.

**Appropriation:**

State Building Construction Account—State	\$371,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$490,000
<b>TOTAL</b>	<b>\$861,000</b>

**NEW SECTION. Sec. 3037.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Quinault Legacy Forest Acquisition (92001586)

The appropriation in this section is subject to the following conditions and limitations:

(1) This section takes effect January 1, 2025.

(2) If the natural climate solutions account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

**Appropriation:**

Natural Climate Solutions Account—State	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$25,000,000</b>

**NEW SECTION. Sec. 3038.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

Agricultural Carbon Storage and Sequestration (40000001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants to improve carbon storage and sequestration on agricultural lands.

(2) Only agricultural producers with revenue that is less than \$3,500,000 annually that the department in its discretion considers small farms are eligible to receive grants. The department must prioritize funds for historically underserved producers including farmers and ranchers who are beginning, socially disadvantaged, veterans, and have limited resources.

(3) Eligible activities include:

(a) Agricultural management practices focused on soil health that will result in improved carbon outcomes, including carbon storage, sequestration, or reducing greenhouse gas emissions;

(b) Research that creates tools intended to support farms in reducing greenhouse gas emissions or improving carbon storage and sequestration; and

(c) Activities pursuant to (a) and (b) by applying live, native algae produced and delivered on farms.

(4) (a) This section takes effect January 1, 2025.

(b) If the natural climate solutions account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

**Appropriation:**

Natural Climate Solutions Account—State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
<b>TOTAL</b>	<b>\$25,000,000</b>

**NEW SECTION. Sec. 3039.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

State Lands Assessment (91000011)

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

(1) \$200,000 of the state taxable building construction account—state appropriation is provided solely for the department, in consultation with the department of natural resources, to perform an assessment of unused and underutilized state-owned, unimproved lands to determine the suitability of such lands for agricultural purposes, including grazing. For the purposes of this section, "underutilized state-owned lands" means lands that do not assist in meeting the goals of the state agency that owns or manages the land and that are already being considered for sale or surplus. "Underutilized state-owned lands" does not include state-owned lands held under lease, held in trust, or that are otherwise intended for specific purposes.

(2) \$100,000 of the climate commitment account—state appropriation is provided solely for the department to incorporate into the assessment an examination of the use of such lands for agrivoltaics. For the purposes of this section, "agrivoltaics" means the use of land that intentionally integrates agriculture and solar photovoltaic energy generation.

(3) The department must complete the assessment by June 1, 2025, and must submit it to the governor, the commissioner of public lands, the director of the Washington State University energy program, the director of the department of commerce, and the committees of the legislature with jurisdiction over agricultural matters.

(4)(a) Subsection (2) of this section takes effect January 1, 2025.

(b) If the climate commitment account is repealed as of December 30, 2024, then subsection (2) of this section is null and void on December 31, 2024, and the amount appropriated in this section from the climate commitment account—state shall lapse.

**Appropriation:**

Climate Commitment Account—State	\$100,000
State Taxable Building Construction Account—	
State . . . . .	\$200,000
Subtotal Appropriation . . . . .	\$300,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	\$0
TOTAL . . . . .	\$300,000

(End of part)

**PART 4  
TRANSPORTATION**  
Reserved.

**PART 5  
EDUCATION**

**Sec. 5001.** 2023 c 474 s 5001 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
West Sound Technical Skills Center Modernization (40000015)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5003, chapter 269, Laws of 2022.

**Reappropriation:**

State Building Construction Account—	
State . . . . .	\$10,990,000

**Appropriation:**

School Construction and Skill Centers Building	
Account—State . . . . .	\$755,000
((State Building Construction Account—	
State . . . . .	\$40,606,000))
Common School Construction Account—State	
. . . . .	\$40,606,000
Subtotal Appropriation . . . . .	\$41,361,000
Prior Biennia (Expenditures) . . . . .	\$410,000
Future Biennia (Projected Costs) . . . . .	\$44,343,000

TOTAL . . . . . \$97,104,000

**Sec. 5002.** 2023 c 474 s 5002 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2023-25 School Construction Assistance Program (40000063)

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

(1) (~~(\$412,044,000)~~) \$117,522,000 of the state building construction account—state appropriation ((and ~~—\$171,097,000~~)), \$169,871,000 of the common school construction account—state appropriation, and \$1,500,000 of the common school construction account—federal appropriation in this section are provided solely for school construction assistance grants for qualifying public school construction projects.

(2) (~~(\$5,031,000)~~) \$4,757,000 of the common school construction account—state appropriation in this section is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years, and for the acquisition of art pursuant to RCW 28A.335.210.

(3) The office of the superintendent of public instruction must consult with the department of enterprise services and the department of commerce to identify cost-effective steps for new buildings and building modernization projects to comply with the clean buildings act.

**Appropriation:**

Common School Construction Fund—State.	
(( <del>\$176,128,000</del> ))	
	\$174,628,000
Common School Construction Fund—Federal	
\$1,500,000	
State Building Construction Account—	
State . . . . .	(( <del>\$412,044,000</del> ))
	\$117,522,000
Subtotal Appropriation . . . . .	(( <del>\$588,172,000</del> ))
	\$293,650,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs) . . . . .	(( <del>\$5,136,683,000</del> ))
	\$2,050,097,000
TOTAL . . . . .	(( <del>\$5,724,855,000</del> ))
	\$2,343,747,000

**Sec. 5003.** 2023 c 474 s 5003 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2023-25 Small District & Tribal Compact Schools Modernization (40000065)

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

(1) (~~(\$78,390,000)~~) \$191,646,000 of the common school construction account—state appropriation ((and ~~\$3,000,000~~ of the common school construction fund—federal appropriation)) in this section ((are)) is provided solely for modernization grants for small school districts authorized under RCW 28A.525.159. Of this amount, \$86,000,000 is provided solely for small district modernization grants, not to exceed



\$6,000,000 per grant, to school districts that were awarded a planning grant during the 2023-2025 fiscal biennium pursuant to LEAP capital document No. OSPI-1-2023, developed April 10, 2023. Small districts awarded a planning grant pursuant to this list that do not receive a modernization grant in the 2023-2025 fiscal biennium are eligible for the maximum state funding level of \$12,000,000 established under subsection (5)(a) of this section. The office of the superintendent of public instruction shall report the status and award amounts of all grants awarded pursuant to this section to the governor and appropriate fiscal committees of the legislature no later than October 15, 2024.

(2) ~~((1,496,000))~~ \$2,307,000 of the common school construction account—state appropriation in this section is provided solely for planning grants for small school districts authorized under RCW 28A.525.159. Planning grants may not exceed \$50,000 per district. Planning grants may only be awarded to school districts with ~~((an))~~ estimated total project costs of \$6,000,000 or less or \$12,000,000 or less, as applicable under this section.

(3) \$12,145,000 of the state building construction account—state appropriation in this section is provided solely for planning grants and modernization grants to state-tribal compact schools. The superintendent of public instruction may prioritize planning grants for state-tribal compact schools with the most serious building deficiencies and the most limited financial capacity.

(4) ~~((5,000,000))~~ \$6,800,000 of the climate commitment account—state appropriation in this section is provided solely for energy assessment grants for small school districts eligible under RCW 28A.525.159. Grant funding awarded may be used to perform facility energy assessments of instructional buildings.

(5)(a) The superintendent of public instruction shall submit a list of small school district modernization projects, as prioritized by the advisory committee under RCW 28A.525.159, to the legislature and the governor by ~~((September))~~ October 15, 2024. The list must include: ~~((a))~~ (i) A description of the project; ~~((b))~~ (ii) the proposed state funding level, not to exceed ~~((6,000,000))~~ \$12,000,000 per project; ~~((c))~~ (iii) estimated total project costs; and ~~((d))~~ (iv) local funding resources.

(b) In addition to the standard list required in (a) of this subsection, the superintendent of public instruction shall also submit an alternative list with the agency's request for capital appropriations for the 2025-2027 fiscal biennium that includes small school districts with 3,000 students or less, with a state funding level not to exceed \$12,000,000 per project. This list must include the following information: (i) A description of the project; (ii) the proposed state funding level; (iii) estimated total project costs; and (iv) local funding resources.

(6) ~~((The))~~ (a) Subject to (b) of this subsection (6), the appropriations in this section may be awarded only to projects

approved by the legislature, as identified in LEAP capital document No. OSPI-1-2023, developed April 10, 2023, and in LEAP capital document No. OSPI-1-2024, developed March 2, 2024.

(b) To the extent that the amounts appropriated for small districts and state-tribal compact schools specified in the LEAP capital documents in (a) of this subsection exceed the actual costs of funding these projects, the department may reallocate excess funding to eligible projects pursuant to RCW 28A.525.159. However, the total funding appropriated to eligible small district projects must remain allocated to eligible small district projects, and the total funding appropriated to eligible state-tribal compact school projects must remain allocated to eligible state-tribal compact school projects.

(7)(a) Except as provided under (b) of this subsection, \$1,982,000 of the common school construction account—state appropriation in this section is provided solely for preconstruction grants and administrative implementation pursuant to Substitute House Bill No. 1044.

(b) If Substitute House Bill No. 1044 (capital assistance/schools) is not enacted by June 30, 2024, the amount provided in this subsection is instead provided solely for small district modernization grants, not to exceed \$6,000,000 per grant, to school districts that were awarded a planning grant during the 2023-2025 fiscal biennium pursuant to LEAP capital document No. OSPI-1-2023, developed April 10, 2023.

**Appropriation:**

Climate Commitment Account—State.	
<del>((5,000,000))</del>	
	\$6,800,000
Common School Construction Account—State	
.....	<del>((79,886,000))</del>
	\$195,935,000
<del>((Common School Construction Fund—</del>	
Federal.....	<del>3,000,000))</del>
State Building Construction Account—	
State.....	\$12,145,000
Subtotal Appropriation.....	<del>((100,031,000))</del>
	\$214,880,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).	
<del>((400,124,000))</del>	
	\$2,727,220,000
TOTAL.....	<del>((500,155,000))</del>
	\$2,942,100,000

**Sec. 5004.** 2023 c 474 s 5005 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2023-25 School District Health and Safety (40000067)

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((5,000,000))~~ \$11,000,000 of the appropriation in this section is provided solely for emergency repair grants to address unexpected and imminent health and safety hazards at K-12 public schools, including skill centers, that will impact the day-to-day operations of the school facility, and this is the maximum amount

that may be spent for this purpose. For emergency repair grants only, an emergency declaration must be signed by the school district board of directors and submitted to the superintendent of public instruction for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable.

(2) (~~(\$11,600,000)~~) \$12,700,000 of the appropriation in this section is provided solely for urgent repair grants to address nonrecurring urgent small repair projects at K-12 public schools, excluding skill centers, that could impact the health and safety of students and staff if not completed, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting school districts to one grant, not to exceed \$500,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a comprehensive description of the health and safety issues to be addressed, a detailed description of the remedy, including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Grants may be used for, but are not limited to: Repair or replacement of failing building systems, abatement of potentially hazardous materials, and safety-related structural improvements.

(3) (~~(\$3,600,000)~~) \$4,600,000 of the appropriation in this section is provided solely for equal access grants for facility repairs and alterations at K-12 public schools, including skills centers, to improve compliance with the Americans with disabilities act and individuals with disabilities education act, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting districts to one grant, not to exceed \$100,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring

recipient districts to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a description of the Americans with disabilities act or individuals with disabilities education act compliance deficiency, a comprehensive description of the facility accessibility issues to be addressed, a detailed description of the remedy including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Priority for grant funding must be given to school districts that demonstrate a lack of capital resources to address the compliance deficiencies outlined in the grant application.

(4) The superintendent of public instruction must notify the office of financial management, the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as projects described in subsection (1) of this section are approved for funding.

**Appropriation:**

<del>((State Building Construction Account—</del>	
State.....	\$20,200,000)
<u>Common School Construction Account—State</u>	
.....	\$28,300,000
Prior Biennia (Expenditures) . . . . .	\$0
Future Biennia (Projected Costs).	
<del>(((\$80,800,000))</del>	
	\$113,200,000
<b>TOTAL.....</b>	<b><del>(((\$101,000,000))</del></b>
	<b>\$141,500,000</b>

**Sec. 5005.** 2023 c 474 s 5006 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2023-25 Healthy Kids-Healthy Schools  
 (40000068)

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

(1) (a) (~~(\$10,000,000)~~) \$11,500,000 of the common school construction account—state appropriation in this section is provided solely for healthy kids and healthy schools grants for projects that are consistent with the healthiest next generation priorities.

(b) The appropriation in this subsection (1) is provided solely for grant funding to school districts for the purchase of equipment or to make repairs to existing equipment that is related to improving: (i) 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; and (ii) 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.

(c) The office of the superintendent of public instruction shall develop criteria for grant funding under this subsection (1) that include, but are not limited to, the following requirements: (i) Districts may apply for grants, but no single district may

receive more than \$200,000 of the appropriation for grants awarded under this section; (ii) any district receiving funding provided in this section must demonstrate a consistent commitment to addressing school facilities' needs; and (iii) applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program may be prioritized.

(2) \$1,500,000 of the state building construction account—state appropriation in this section is provided solely for grants to school districts, charter schools, and state-tribal education compact schools for the replacement of lead-contaminated pipes, drinking water fixtures, and the purchase of water filters, including the labor costs of remediation design, installation, and construction.

**Appropriation:**

Common School Construction Account—State	(((\$10,000,000))
	<u>\$11,500,000</u>
State Building Construction Account—	
State	\$1,500,000
Subtotal Appropriation	(((\$11,500,000))
	<u>\$13,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	(((\$46,000,000))
	<u>\$52,000,000</u>
TOTAL	(((\$57,500,000))
	<u>\$65,000,000</u>

**Sec. 5006.** 2023 c 474 s 5008 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 2023-25 Skills Centers Minor Works (40000070)

**Appropriation:**

(State Building Construction Account—	
State	\$5,135,000))
Common School Construction Account—State	
	<u>\$5,135,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,540,000
TOTAL	<u>\$25,675,000</u>

**NEW SECTION. Sec. 5007.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 School District Indoor Air Quality & Energy Efficiency (40000104)

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

(1) (a) \$3,750,000 of the common school construction account—state appropriation and \$7,500,000 of the climate commitment account—state appropriation in this section are provided solely for grants to school districts with enrollments exceeding 3,000 students for indoor air quality assessment grants.

(b) Grantees under this subsection may:  
 (i) Seek technical assistance from state funded entities, such as the office of the superintendent of public instruction, the

department of commerce, and the department of health; (ii) seek technical assistance from other entities, such as local health jurisdiction school safety programs and the smart buildings center's K-12 ventilation and indoor air quality resource team; and (iii) use funding awarded to seek guidance and technical assistance from commercial entities that have specialized knowledge of troubleshooting modern HVAC or smart building systems.

(c) Subject to subsection (3) of this section and if applications for assessment grants under this subsection exceed available funding, the office of the superintendent of public instruction must first prioritize grants for school districts: (i) Without existing heating, ventilation, and air-conditioning (HVAC) systems; (ii) that have documented proof of indoor air quality performance that does not meet current state energy code; (iii) with outdated or underperforming HVAC systems; and (iv) that have the most limited financial capacity. Assessments funded under this subsection (1)(c) must include professional cost estimates for mitigating the indoor air quality deficiencies identified. The office of the superintendent of public instruction must collect the cost estimate data from school districts receiving a grant under this subsection and report a summary of the collected cost data, as well as a list of specific capital projects for school districts developed from this data, to the appropriate fiscal committees of the legislature by January 6, 2025.

(2) (a) \$11,250,000 of the common school construction account—state appropriation and \$22,000,000 of the climate commitment account—state appropriation in this section are provided solely for grants to school districts with enrollments that are less than or equal to 3,000 students for assessment, installation, repair, or replacement of HVAC, air filtration enhancements, and general air quality improvements that improve student health and safety.

(b) Grantees under this subsection may:  
 (i) Seek technical assistance from state funded entities, such as the office of the superintendent of public instruction, the department of commerce, and the department of health; (ii) seek technical assistance from other entities, such as local health jurisdiction school safety programs and the smart buildings center's K-12 ventilation and indoor air quality resource team; and (iii) use funding awarded to seek guidance and technical assistance from commercial entities that have specialized knowledge of troubleshooting modern HVAC or smart building systems.

(c) Subject to subsection (3) of this section and if applications grants under this subsection exceed available funding, the office of the superintendent of public instruction must first prioritize grants for school districts: (i) Without existing HVAC systems; (ii) that have documented proof of indoor air quality performance that does not meet current state energy code; (iii) with outdated or underperforming HVAC systems;

and (iv) that have the most limited financial capacity.

(3) The office of the superintendent of public instruction must first allocate, to the maximum extent feasible, the funding appropriated under this section to grants prioritized under subsections (1) and (2) of this section. However, as necessary to award grants using the climate commitment account—state appropriation in this section, the superintendent of public instruction may also prioritize grants under this section that will improve compliance with the state's energy-related building standards in chapter 19.27A RCW by reducing energy use intensity.

(4) \$25,000 of the common school construction account—state appropriation in this section is provided for the office of the superintendent of public instruction to make modifications to its information and condition of schools system related to implementing this section.

(5) \$500,000 of the climate commitment account—state appropriation in this section is provided solely to schools in communities located near and under Seattle-Tacoma international airport flight paths for air filtration systems with HEPA filters that can remove ultrafine pollution particles from the air caused by aircraft traffic, as identified in the mobile observations of ultrafine particles study report published by the University of Washington.

(6)(a) The appropriation in this section from the climate commitment account—state takes effect January 1, 2025.

(b) If the climate commitment account is repealed as of December 30, 2024, the amounts appropriated in this section from the climate commitment account—state shall lapse on December 31, 2024.

**Appropriation:**

Climate Commitment Account—State.	
\$30,000,000	
Common School Construction Fund—State.	
\$15,025,000	
Subtotal Appropriation.....	\$45,025,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$180,000,000
TOTAL.....	\$225,025,000

**NEW SECTION. Sec. 5008.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
Energy Assessment Grants to School Districts (91000509)

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

(1) \$4,900,000 of the climate commitment account—state appropriation in this section is provided solely for energy assessment grants to school districts for buildings that exceed 220,000 gross square feet pursuant to compliance with the state's energy-related building standards in chapter 19.27A RCW. Assessments funded under this subsection must include professional cost estimates for mitigating the energy use intensity deficiencies identified. The

office of the superintendent of public instruction must collect the cost estimate data from school districts receiving a grant under this subsection and report a summary of the collected cost data, as well as a list of specific capital projects for school districts developed from this data, to the appropriate fiscal committees of the legislature by January 6, 2025.

(2) \$50,000 of the common school construction account—state appropriation in this section is provided for the office of the superintendent of public instruction to make modifications to its information and condition of schools system related to implementing this section.

(3) If applications for energy assessment grants under this section exceed funds available, the office of the superintendent of public instruction must prioritize grants for school buildings that are likely to require the most substantial improvements related to compliance with chapter 19.27A RCW and for school districts that have the most limited financial capacity. The office of the superintendent of public instruction shall make such prioritizations using facilities data from the information and condition of schools database and through information provided by the school district at the time of application.

**Appropriation:**

Climate Commitment Account—State.	
\$4,900,000	
Common School Construction Account—State	
.....	\$50,000
Subtotal Appropriation.....	\$4,950,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$19,600,000
TOTAL.....	\$24,550,000

**NEW SECTION. Sec. 5009.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
School-based Health and Behavioral Health Clinics (91000519)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following list of projects:

Bellingham Public Schools (Options High School).....	\$300,000
CHC of Snohomish County (Cascade High School).....	\$244,000
CHC of Snohomish County (Everett High School).....	\$244,000
Country Doctor CHC (Meany Middle School).....	\$80,000
Country Doctor CHC (Nova High School).....	\$80,000
HealthPoint (Evergreen High School).....	\$490,000
HealthPoint (Tye High School).....	\$490,000
Jefferson County Public Health (Blue Heron Middle School).....	\$136,000

**Appropriation:**

State Building Construction Account—	
State.....	\$2,064,000
Prior Biennia (Expenditures).....	\$0

Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$2,064,000

**NEW SECTION. Sec. 5010.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 Career and Technical Education Projects  
 (91000534)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following list of projects:

Cascadia Tech: Natural Resource Outdoor Learning  
 Collaboration. . . . . \$1,154,000  
 Sequim School District CTE Center of Excellence  
 Phase 1. . . . . \$4,990,000  
 Tri-Tech Skills Center. . . . \$45,496,000  
 Whatcom County Skills Center  
 Preconstruction. . . . . \$2,100,000  
 Wenatchee Valley Technical Skills Center  
 . . . . . \$14,463,000

**Appropriation:**  
 Common School Construction Account—State  
 . . . . . \$68,203,000  
 Prior Biennia (Expenditures) . . . . \$0  
 Future Biennia (Projected Costs) . . . \$0  
 TOTAL..... \$68,203,000

**NEW SECTION. Sec. 5011.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 School Construction Assistance Program  
 Revision (SCAPR) Planning (91000535)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the office of the superintendent of public instruction for the following purposes: (a) To develop a proposal to modify and improve efficiencies within, and access to, the school construction assistance program and to identify cost-saving measures for awarding state grants for the construction and modernization of common school facilities; (b) to contract with a consultant to develop the proposal pursuant to (a) of this subsection; and (c) to facilitate the stakeholder process in subsection (2) of this section.

(2) The proposal development process identified in subsection (1) of this section must include iterative consultation and meetings with the following entities: (a) School districts, including educational service districts, from all regions of the state and representing a variety of rural, urban, and suburban districts of various sizes; (b) the governor or the governor's designee; (c) the chairs and ranking members of the appropriate fiscal committees of the legislature or their designees; (d) the office of the superintendent of public instruction's technical advisory committee; (e) a statewide education employee organization; and (f) other stakeholders deemed appropriate by the stakeholder group

in this subsection. The office of the superintendent of public instruction must convene a meeting with the chairs and ranking members of the appropriate fiscal committees of the legislature or their designees to discuss a work plan, a draft request for proposals to hire a consultant pursuant to this section, a facilitation plan that may include professional facilitation, and a schedule pursuant to this subsection no later than June 15, 2024.

(3) The proposal developed under subsection (1) of this section must include options for how the state could create: (a) A process that recognizes the substantial variation between district sizes and financial capacities that categorizes reasonably comparable applicants into distinct school district groupings in order to foster a fair and equitable prioritization of projects; (b) a process for prioritizing requests for state funding for school construction that results in ranked project lists, using the groupings developed under (a) of this subsection for the governor and legislature's consideration during the biennial budget development process; (c) a formula or formulas for determining the state and school district shares of project cost, which may vary across the groupings established under (a) of this subsection; (d) policies regarding allowable space types and quantities to meet current and future instructional requirements and initiatives; (e) a recommendation regarding the appropriate entity, such as an advisory committee, to evaluate and prioritize project applications; (f) recommendations related to the development of prototypical school designs intended to enhance the student learning environment and the useful life of facilities, while also reducing design and construction costs; and (g) a phase in schedule for changes to the school construction funding formulas that honors planning and currently authorized bonds that were developed based on current program rules.

(4) The project prioritization process developed under subsection (3) of this section must include consideration of: (a) District incorporation of prototypical designs; (b) projected enrollment; (c) facility condition and age; (d) factors related to school district financial capacity, including property valuation, remaining debt capacity, and any special circumstances that may impact districts' ability to fund capital projects; (e) natural hazard conditions, including seismic and tsunami risk; and (f) any other factors deemed appropriate by the office of the superintendent of public instruction.

(5) The formula for determining the state and school district shares of project cost developed under subsection (3) of this section must include consideration of: (a) District incorporation of prototypical designs; (b) factors related to school district financial capacity, including remaining debt capacity, property tax rates, and median household income; (c) the market price of construction per square foot, with consideration of regional cost differences; and (d) any other factors deemed appropriate

by the office of the superintendent of public instruction.

(6) The office of the superintendent of public instruction must submit an interim progress report pursuant to this section to the governor and the appropriate fiscal committees of the legislature, no later than March 15, 2025. The office of the superintendent of public instruction must submit a final report containing the proposal developed pursuant to this section to the governor and the appropriate fiscal committees of the legislature, no later than September 30, 2025.

**Appropriation:**

Common School Construction Fund—State.  
\$1,000,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs) . . . \$0  
TOTAL..... \$1,000,000

**Sec. 5012.** 2023 c 474 s 5013 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2023-25 Distressed Schools (92000928)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the following list of projects:

- Cascadia Technical Academy (Vancouver). \$250,000
- Ingraham High School Construction Trades Skills Center (Seattle) . . . . . \$527,000
- Maritime 253: South Puget Sound Maritime Skills Center (Tacoma) . . . . . \$8,000,000
- Marysville School District . . . \$3,600,000
- Quilcene Elementary HVAC . . . \$175,000
- Rainier Beach High School Campus Skills Center . . . . . \$9,915,000
- Seattle Skills Center (Seattle) \$2,200,000
- Stevenson-Carson High School (Stevenson) . . . . . \$750,000
- Washington Middle School (Seattle) \$98,000
- Wishram School District Portables \$975,000
- Whittier Elementary School . . . \$5,625,000

**Appropriation:**

State Building Construction Account—  
State . . . . . \$21,740,000  
Common School Construction Account—State  
. . . . . \$10,375,000  
Subtotal Appropriation . . . . . \$32,115,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs).  
(((\$86,960,000))  
\$128,460,000  
TOTAL..... (((\$108,700,000))  
\$160,575,000

**NEW SECTION. Sec. 5013.** A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**  
2024 School Construction Assistance Program Enhancement (92001066)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for increasing the construction cost allocation, which is

used to determine the maximum cost per square foot of construction that the state will recognize in the school construction assistance program, from \$271.61 per square foot to \$375.00 per square foot in fiscal year 2025. It is the intent of the legislature to increase the construction cost allocation by the same inflation rate used by the office of financial management's C-100 form in subsequent years. This inflation rate is the same rate used by all other state agencies for determining future costs.

**Appropriation:**

Common School Construction Fund—State.  
\$24,216,000  
State Building Construction Account—  
State . . . . . \$55,000,000  
Subtotal Appropriation..... \$79,216,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs).  
\$1,400,683,000  
TOTAL..... \$1,479,899,000

**Sec. 5014.** 2023 c 474 s 5015 (uncodified) is amended to read as follows:  
**FOR THE STATE SCHOOL FOR THE BLIND**  
2023-25 Campus Preservation (Minor Works) (40000021)

**Appropriation:**

State Building Construction Account—  
State . . . . . (((\$2,100,000))  
\$2,600,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs).  
(((\$8,400,000))  
\$10,400,000  
TOTAL..... (((\$10,500,000))  
\$13,000,000

**Sec. 5015.** 2023 c 474 s 5031 (uncodified) is amended to read as follows:  
**FOR THE UNIVERSITY OF WASHINGTON**  
UW Seattle - Asset Preservation (Minor Works) 23-25 (40000103)

**Appropriation:**

University of Washington Building Account  
—State . . . . . (((\$33,691,000))  
\$37,396,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs).  
(((\$134,764,000))  
\$149,584,000  
TOTAL..... (((\$168,455,000))  
\$186,980,000

**Sec. 5016.** 2023 c 474 s 5032 (uncodified) is amended to read as follows:  
**FOR THE UNIVERSITY OF WASHINGTON**  
UW Bothell - Asset Preservation (Minor Works) 23-25 (40000129)

**Appropriation:**

University of Washington Building Account  
—State . . . . . (((\$5,919,000))  
\$3,895,000  
Prior Biennia (Expenditures) . . . . . \$0  
Future Biennia (Projected Costs).  
(((\$23,676,000))  
\$15,580,000  
TOTAL..... (((\$29,595,000))

\$19,475,000

\$241,460,000

Sec. 5017. 2023 c 474 s 5033 (uncodified) is amended to read as follows: FOR THE UNIVERSITY OF WASHINGTON UW Tacoma - Asset Preservation (Minor Works) 23-25 (40000131)

Appropriation: University of Washington Building Account -State. . . . . ((\$4,915,000)) \$3,234,000 Prior Biennia (Expenditures). . . . . \$0 Future Biennia (Projected Costs). . . . . ((\$19,660,000)) \$12,936,000 TOTAL..... ((\$24,575,000)) \$16,170,000

NEW SECTION. Sec. 5018. A new section is added to 2023 c 474 (uncodified) to read as follows: FOR THE UNIVERSITY OF WASHINGTON Chemical Sciences & Bagley Hall (40000146)

Appropriation: State Building Construction Account— State. . . . . \$5,000,000 Prior Biennia (Expenditures). . . . . \$0 Future Biennia (Projected Costs). . . . . \$125,000,000 TOTAL..... \$130,000,000

NEW SECTION. Sec. 5019. A new section is added to 2023 c 474 (uncodified) to read as follows: FOR THE UNIVERSITY OF WASHINGTON Energy Renewal Program (40000147)

The appropriation in this section is subject to the following conditions and limitations: (1) This section takes effect January 1, 2025. (2) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation: Climate Commitment Account—State. \$38,900,000 Prior Biennia (Expenditures). . . . . \$0 Future Biennia (Projected Costs). . . . . \$0 TOTAL..... \$38,900,000

Sec. 5020. 2023 c 474 s 5038 (uncodified) is amended to read as follows: FOR WASHINGTON STATE UNIVERSITY Minor Capital Preservation 2023-25 (MCR) (40000340)

Appropriation: State Building Construction Account— State. . . . . \$1,000,000 Washington State University Building Account— State. . . . . \$40,000,000 Subtotal Appropriation. . . . . \$41,000,000 Prior Biennia (Expenditures). . . . . \$0 Future Biennia (Projected Costs). . . . . \$200,460,000 TOTAL..... ((\$240,460,000))

NEW SECTION. Sec. 5021. A new section is added to 2023 c 474 (uncodified) to read as follows: FOR WASHINGTON STATE UNIVERSITY Decarbonization Planning (91000043)

The appropriation in this section is subject to the following conditions and limitations: (1) This section takes effect January 1, 2025. (2) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation: Climate Commitment Account—State. \$3,000,000 Prior Biennia (Expenditures). . . . . \$0 Future Biennia (Projected Costs). . . . . \$0 TOTAL..... \$3,000,000

NEW SECTION. Sec. 5022. A new section is added to 2023 c 474 (uncodified) to read as follows: FOR WASHINGTON STATE UNIVERSITY Knott Dairy Center Digester (92001132)

The appropriation in this section is subject to the following conditions and limitations: (1) This section takes effect January 1, 2025. (2) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation: Climate Commitment Account—State. \$10,000,000 Prior Biennia (Expenditures). . . . . \$0 Future Biennia (Projected Costs). . . . . \$0 TOTAL..... \$10,000,000

NEW SECTION. Sec. 5023. A new section is added to 2023 c 474 (uncodified) to read as follows: FOR EASTERN WASHINGTON UNIVERSITY CBPS: Sports and Recreation Center Energy Improvements (40000112)

The appropriation in this section is subject to the following conditions and limitations: (1) This section takes effect January 1, 2025. (2) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation: Climate Commitment Account—State. \$9,998,000 Prior Biennia (Expenditures). . . . . \$0 Future Biennia (Projected Costs). . . . . \$0 TOTAL..... \$9,998,000

Sec. 5024. 2023 c 474 s 5056 (uncodified) is amended to read as follows: FOR CENTRAL WASHINGTON UNIVERSITY

Humanities & Social Science Complex (40000081)

The appropriation in this section is subject to the following conditions and limitations:

The legislature intends to provide funds in the amount of \$103,758,000 over the course of the 2023-2025 and 2025-2027 fiscal biennia for construction of the humanities and social science complex at Central Washington University. Pursuant to RCW 43.88.130, the university may enter into a multibiennium contract for the construction of the complex. Nothing in this section authorizes the university to make an expenditure without an appropriation.

Reappropriation:

State Building Construction Account—State . . . . . \$2,844,000

Appropriation:

Climate Commitment Account—State. \$7,000,000
State Building Construction Account—State. . . . . \$85,600,000
Subtotal Appropriation. . . . . \$92,600,000
Prior Biennia (Expenditures). \$2,361,000
Future Biennia (Projected Costs). \$11,158,000
TOTAL. . . . . \$108,963,000

NEW SECTION. Sec. 5025. A new section is added to 2023 c 474 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Secondary Geothermal Module (40000161)

The appropriation in this section is subject to the following conditions and limitations:

- (1) This section takes effect January 1, 2025.
(2) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation:

Climate Commitment Account—State. \$12,464,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). \$4,000,000
TOTAL. . . . . \$16,464,000

NEW SECTION. Sec. 5026. A new section is added to 2023 c 474 (uncodified) to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

Science Building Carbon Reduction (40000162)

The appropriation in this section is subject to the following conditions and limitations:

- (1) This section takes effect January 1, 2025.
(2) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation:

Climate Commitment Account—State. \$4,509,000

Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). . . . . \$0
TOTAL. . . . . \$4,509,000

Sec. 5027. 2023 c 474 s 5072 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation 2023-25 (40000006)

Appropriation:

Western Washington University Capital Projects
Account—State. . . . . ((\$4,888,000)) \$5,388,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). ((\$19,552,000))
TOTAL. . . . . \$21,552,000 ((\$24,440,000)) \$26,940,000

NEW SECTION. Sec. 5028. A new section is added to 2023 c 474 (uncodified) to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

Preserving State-owned Public Art (30000004)

Appropriation:

State Building Construction Account—State. . . . . \$735,000
Prior Biennia (Expenditures). . . . . \$0
Future Biennia (Projected Costs). \$2,940,000
TOTAL. . . . . \$3,675,000

NEW SECTION. Sec. 5029. A new section is added to 2023 c 474 (uncodified) to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Julia Butler Hansen Property Analysis (91000012)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the Washington state historical society to evaluate the potential for the Julia Butler Hansen home in Cathlamet to be operated as a historic house museum as well as analysis regarding alternative potential uses that would be compatible with preservation of the historic home.
(2) The analysis and evaluation process in subsection (1) of this section must consider how the property can be preserved in a manner that honors and maintains its historic character, artifacts, and personal history, while also providing a sustainable financial future for maintenance and management. The process must include appropriate outreach to the Julia Butler Hansen family, the city of Cathlamet, Wahkiakum county, and any other person or entity deemed appropriate by the Washington state historical society.
(3) The Washington state historical society must report the findings of the analysis and evaluation process required under this section to the governor and the legislature no later than November 1, 2025.



Appropriation:

State Taxable Building Construction  
 Account—  
 State. . . . . \$30,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... \$30,000

**Sec. 5030.** 2023 c 474 s 6236  
 (uncodified) is amended to read as follows:  
**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Garage & Emergency Exit Concrete  
 Remediation (40000053)

Reappropriation:

State Building Construction Account—  
 State. . . . . \$838,000

Appropriation:

State Building Construction Account—  
 State. . . . . \$1,477,000  
 Prior Biennia (Expenditures). . . . . \$63,000  
 Future Biennia (Projected Costs). . . . . \$0  
 TOTAL..... (\$901,000)  
\$2,378,000

**Sec. 5031.** 2023 c 474 s 5082  
 (uncodified) is amended to read as follows:  
**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Facility Repairs (23-25)  
 (40000595)

The appropriations in this section are subject to the following conditions and limitations: The minor works project list for this section may include multiple projects related to necessary emergency repairs at Bellingham technical college. The projects must each be for distinct purposes and shall not be considered phases of a larger project for purposes of section 8017, chapter 474, Laws of 2023.

Appropriation:

Community and Technical College Capital  
 Projects  
 Account—State. . . . . \$2,537,000  
 State Building Construction Account—  
 State. . . . . \$36,909,000  
 Subtotal Appropriation..... \$39,446,000  
 Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$157,784,000  
 TOTAL..... \$197,230,000

**Sec. 5032.** 2023 c 474 s 5085  
 (uncodified) is amended to read as follows:  
**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
 Minor Works - Site Repairs (23-25)  
 (40000698)

The appropriations in this section are subject to the following conditions and limitations: The minor works project list for this section may include multiple projects related to necessary emergency repairs at Bellingham technical college. The projects must each be for distinct purposes and shall not be considered phases of a larger project for purposes of section 8017, chapter 474, Laws of 2023.

Appropriation:

Community and Technical College Capital  
 Projects  
 Account—State. . . . . \$1,000,000  
 State Building Construction Account—  
 State. . . . . \$5,171,000  
 Subtotal Appropriation..... \$6,171,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$24,684,000  
 TOTAL..... \$30,855,000

**Sec. 5033.** 2023 c 474 s 5086  
 (uncodified) is amended to read as follows:  
**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Infrastructure Replacement  
 (23-25) (40000721)

The appropriations in this section are subject to the following conditions and limitations: The minor works project list for this section may include multiple projects related to necessary emergency repairs at Bellingham technical college. The projects must each be for distinct purposes and shall not be considered phases of a larger project for purposes of section 8017, chapter 474, Laws of 2023.

Appropriation:

Community and Technical College Capital  
 Projects  
 Account—State. . . . . \$3,000,000  
 State Building Construction Account—  
 State. . . . . \$37,300,000  
 Subtotal Appropriation..... \$40,300,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$161,200,000  
 TOTAL..... \$201,500,000

**Sec. 5034.** 2023 c 474 s 5087  
 (uncodified) is amended to read as follows:  
**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Program Improvements  
 (23-25) (40000754)

The appropriations in this section are subject to the following conditions and limitations: The minor works project list for this section may include multiple projects related to necessary emergency repairs at Bellingham technical college. The projects must each be for distinct purposes and shall not be considered phases of a larger project for purposes of section 8017, chapter 474, Laws of 2023.

Appropriation:

Community and Technical College Capital  
 Projects  
 Account—State. . . . . \$5,000,000  
 State Building Construction Account—  
 State. . . . . \$48,200,000  
 Subtotal Appropriation..... \$53,200,000

Prior Biennia (Expenditures). . . . . \$0  
 Future Biennia (Projected Costs).  
 \$212,800,000  
 TOTAL..... \$266,000,000

NEW SECTION. Sec. 5035. A new section is added to 2023 c 474 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

CBPS SBCTC Statewide: Utility Submeters for Clean Buildings Act (40000878)

Appropriation:

Table with 2 columns: Description and Amount. Rows include Climate Commitment Account—State, Community and Technical College Capital Projects, Account—State, Subtotal Appropriation, Prior Biennia (Expenditures), and Future Biennia (Projected Costs).

NEW SECTION. Sec. 5036. A new section is added to 2023 c 474 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

CTC Energy Efficiency Program (40000880)

The appropriation in this section is subject to the following conditions and limitations:

- (1) This section takes effect January 1, 2025.
(2) If the climate commitment account is repealed as of December 30, 2024, then this section is null and void on December 31, 2024.

Appropriation:

Table with 2 columns: Description and Amount. Rows include Climate Commitment Account—State, Prior Biennia (Expenditures), Future Biennia (Projected Costs), and TOTAL.

NEW SECTION. Sec. 5037. A new section is added to 2023 c 474 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Campus Center Building (40000916)

Appropriation:

Table with 2 columns: Description and Amount. Rows include Community and Technical College Capital Projects, Account—State, State Building Construction Account—State, Subtotal Appropriation, Prior Biennia (Expenditures), and Future Biennia (Projected Costs).

Sec. 5038. 2023 c 474 s 5089 (uncodified) is amended to read as follows: FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

HB 1390 - District Energy Systems (91000443)

Appropriation:

Table with 2 columns: Description and Amount. Rows include Climate Commitment Account—State and TOTAL.

Table with 2 columns: Description and Amount. Rows include Prior Biennia (Expenditures), Future Biennia (Projected Costs), and TOTAL.

(End of part)

PART 6 REAPPROPRIATIONS

Sec. 6001. 2023 c 474 s 6002 (uncodified) is amended to read as follows: FOR THE DEPARTMENT OF COMMERCE

Community Economic Revitalization Board (30000097)

Reappropriation:

Table with 2 columns: Description and Amount. Rows include Public ((Facility)) Facilities Construction, Loan Revolving Account—State, and Prior Biennia (Expenditures).

Table with 2 columns: Description and Amount. Rows include Future Biennia (Projected Costs) and TOTAL.

Sec. 6002. 2023 c 474 s 6029 (uncodified) is amended to read as follows: FOR THE DEPARTMENT OF COMMERCE

Washington Broadband Program (40000117)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1012, chapter 356, Laws of 2020, except that all funds may be used as loans or grants to finance eligible broadband infrastructure projects.

Reappropriation:

Table with 2 columns: Description and Amount. Rows include Statewide Broadband Account—State, Prior Biennia (Expenditures), Future Biennia (Projected Costs), and TOTAL.

Sec. 6003. 2023 c 474 s 6043 (uncodified) is amended to read as follows: FOR THE DEPARTMENT OF COMMERCE

2021-23 PWB Broadband Infrastructure (40000152)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1067, chapter 332, Laws of 2021, except that all funds may be used as loans or grants to finance eligible broadband infrastructure projects.

Reappropriation:

Table with 2 columns: Description and Amount. Rows include Coronavirus Capital Projects Account—Federal, Statewide Broadband Account—State, Subtotal Reappropriation, and Prior Biennia (Expenditures).

Table with 2 columns: Description and Amount. Rows include Future Biennia (Projected Costs) and TOTAL.

\$907,000

**Sec. 6004.** 2023 c 474 s 6047 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 2021-23 Rapid Capital Housing Acquisition (40000222)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7003 of this act, except that \$438,000 of the reappropriation is for the NWYS Young Adult Shelter Services (Mt. Vernon) project, and not the NWYS Young Adult Shelter Services (Bellingham) project.

**Reappropriation:**

Coronavirus State Fiscal Recovery Fund—  
 Federal. . . . . \$16,532,000  
 State Building Construction Account—  
 State. . . . . \$41,036,000  
 Subtotal Reappropriation. . . . . \$57,568,000  
 Prior Biennia (Expenditures). \$62,567,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$120,135,000

**Sec. 6005.** 2023 c 474 s 6051 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 2022 Rapid Capital Housing Acquisition (40000260)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1024, chapter 296, Laws of 2022.

**Reappropriation:**

Apple Health and Homes Account—State.  
 \$59,952,000  
 Capital Community Assistance Account—  
 State. . . . . \$175,558,000  
 Coronavirus State Fiscal Recovery Fund—  
 Federal. . . . . \$15,065,000  
 State Building Construction Account—  
 State. . . . . ((\$22,935,000))  
 \$19,035,000  
 Subtotal Reappropriation. . . . . ((\$273,510,000))  
 \$269,610,000  
 Prior Biennia (Expenditures). \$26,490,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . ((\$300,000,000))  
 \$296,100,000

**Sec. 6006.** 2023 c 474 s 6053 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 Ports Infrastructure (40000278)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1027, chapter 296, Laws of 2022, except that \$1,550,000 of the reappropriation is for the In-Water Asset Improvements (Port of Clarkston) project, and not the Dredge River Access (Port of Clarkston) project.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$14,328,000  
 Prior Biennia (Expenditures). \$1,718,000  
 Future Biennia (Projected Costs). . . \$0

TOTAL. . . . . \$16,046,000

**Sec. 6007.** 2023 c 474 s 6066 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 Infrastructure Projects (91001687)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1033, chapter 296, Laws of 2022, except that:

- (1) \$618,000 of the reappropriation is for the Port of Mattawa Water Infrastructure (Mattawa) project, and not the Port of Mattawa Wastewater Infrastructure (Mattawa) project;
- (2) No funding may be directed to the Dryden Wastewater Improvement project;
- (3) No funding may be directed to the New Well for the Community of Peshastin project;
- (4) The Fall City Waste Management System total appropriation is adjusted from \$6,500,000 to \$7,536,000; and
- (5) \$1,030,000 of the coronavirus state fiscal recovery account—federal appropriation is provided solely for the Skamania PUD Water Tank Replacement project.

**Reappropriation:**

Capital Community Assistance Account—  
 State. . . . . \$25,714,000  
 Coronavirus State Fiscal Recovery Fund—  
 Federal. . . . . \$94,106,000  
 Public Works Assistance Account—State.  
 \$485,000  
 State Building Construction Account—  
 State. . . . . \$10,087,000  
 Subtotal Reappropriation. . . . . \$130,392,000  
 Prior Biennia (Expenditures). \$6,908,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$137,300,000

**Sec. 6008.** 2023 c 474 s 6055 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 2019 Local and Community Projects (91001157)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1017, chapter 356, Laws of 2020, except that \$200,000 of the reappropriation is for the Mercer Island Boys & Girls Club Play Structure (Mercer Island) project, and not the TXL Lake Hills Clubhouse Acquisition Boys & Girls Club (Bellevue) project.

**Reappropriation:**

State Building Construction Account—  
 State. . . . . \$4,781,000  
 Prior Biennia (Expenditures). \$35,749,000  
 Future Biennia (Projected Costs). . . \$0  
 TOTAL. . . . . \$40,530,000

**Sec. 6009.** 2023 c 474 s 6052 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 2023 Local and Community Projects (40000266)

The reappropriations in this section are subject to the following conditions and

limitations: The reappropriations are subject to the provisions of section 7007 of this act, except that:

(1) \$273,000 of the reappropriation is for the City of Arlington Jensen Park Improvements (Arlington) project, and not the Senior Resources Svc HUB Feasibility Study (Freeland) project; and

(2) No funding may be directed to the Allyn Community Center.

(3) \$1,200,000 of the appropriation is for the Camp Boucher Civil Air Patrol Building Refurbishment, and not the Civil Air Patrol Hanger (Ephrata) project.

**Reappropriation:**

Capital Community Assistance Account—	
State. . . . .	\$309,000
State Building Construction Account—	
State. . . . .	(\$48,301,000)
	\$48,001,000
Subtotal Reappropriation. . . . .	(\$48,610,000)
	\$48,310,000
Prior Biennia (Expenditures). . . . .	\$5,017,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	(\$53,627,000)
	\$53,327,000

**Sec. 6010.** 2023 c 474 s 6028 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
2020 Local and Community Projects (40000116)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6007, chapter 332, Laws of 2021, except that ((funding)):

(1) Funding may not be directed to the Arivva Community Center;

(2) The Main Street Redevelopment Project appropriation level is reduced from \$985,000 to \$865,000;

(3) \$120,000 of the reappropriation is provided solely for the Steilacoom Cultural Center; and

(4) \$200,000 of the \$2,000,000 reappropriation for the Lake City Community Center Replacement (Seattle) project must be used to facilitate community engagement and a community needs assessment to inform design of the redevelopment of the Lake City Community Center.

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$50,532,000
Prior Biennia (Expenditures) . . . . .	\$115,775,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$166,307,000

**Sec. 6011.** 2023 c 474 s 6031 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
2021 Local and Community Projects (40000130)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6008, chapter 332, Laws of 2021, except that \$275,000 of the reappropriation is for the Yakima County

Justice Center project, and not the Yakima County Care Campus project.

**Reappropriation:**

State Building Construction Account—	
State. . . . .	\$11,416,000
Prior Biennia (Expenditures). . . . .	\$21,256,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$32,672,000

**Sec. 6012.** 2023 c 474 s 6016 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
Behavioral Health Community Capacity (40000018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004, chapter 413, Laws of 2019, except that \$416,000 of the appropriation has been moved to section 1009 of this act.

**Reappropriation:**

State Building Construction Account—	
State. . . . .	(\$19,163,000)
	\$18,747,000
Prior Biennia (Expenditures). . . . .	\$63,936,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	(\$83,099,000)
	\$82,683,000

**Sec. 6013.** 2023 c 474 s 6027 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
2019-21 Behavioral Health Capacity Grants (40000114)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1010, chapter 356, Laws of 2020, except that \$1,960,000 of the appropriation for the Lummi Nation and \$1,960,000 of the funding for the Comprehensive Walla Walla project has been moved to section 1009 of this act.

**Reappropriation:**

State Building Construction Account—	
State. . . . .	(\$35,919,000)
	\$31,999,000
Prior Biennia (Expenditures). . . . .	\$90,232,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	(\$126,151,000)
	\$122,231,000

**Sec. 6014.** 2023 c 474 s 6045 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
2021-23 Behavioral Health Community Capacity Grants (40000219)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 7010 of this act, except that:

(1) \$1,250,000 of the capital community assistance account—state appropriation for the Lummi Nation Healing Wellness Center has been moved to the Lummi Nation Substance Abuse Treatment project in section 1009 of this act; and

(2) The \$4,275,000 appropriation is for Skagit County Crisis Stabilization Center (Sedro-Wooley), and not the Evergreen Health Monroe (Monroe) project.

Reappropriation:

Capital Community Assistance Account—
State. . . . . ((\$26,323,000))
\$25,073,000
State Building Construction Account—
State. . . . . \$89,011,000
Subtotal Reappropriation. . . . . ((\$115,334,000))
\$114,084,000
Prior Biennia (Expenditures). \$6,153,000
Future Biennia (Projected Costs). . . \$0
TOTAL. . . . . ((\$121,487,000))
\$120,237,000

Sec. 6015. 2023 c 474 s 6061 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE
Substance Use Disorder Recovery Housing (91001675)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1031, chapter 296, Laws of 2022.

Reappropriation:

State Taxable Building Construction Account—
State. . . . . ((\$48,000))
\$150,000
Prior Biennia (Expenditures) ((\$102,000))
\$0
Future Biennia (Projected Costs). . . \$0
TOTAL. . . . . \$150,000

Sec. 6016. 2023 c 474 s 6068 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE
Food Banks (91001690)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1034, chapter 296, Laws of 2022, except that the \$1,030,000 appropriation is for the Chelan Douglas Food Distribution Center (Wenatchee), and not the Chelan Douglas Distribution Center (Malaga).

Reappropriation:

State Building Construction Account—
State. . . . . \$6,900,000
Prior Biennia (Expenditures). \$5,686,000
Future Biennia (Projected Costs). . . \$0
TOTAL. . . . . \$12,586,000

Sec. 6017. 2023 c 474 s 6084 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE
2022 Crisis Stabilization Facilities (92001286)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1025, chapter 296, Laws of 2022.

Reappropriation:

Capital Community Assistance Account—
State. . . . . ((\$71,995,000))
\$48,297,000
Prior Biennia (Expenditures). . . \$5,000
Future Biennia (Projected Costs). . . \$0
TOTAL. . . . . ((\$72,000,000))
\$48,302,000

Sec. 6018. 2023 c 474 s 6073 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE

Projects that Strengthen Communities & Quality of Life (92000230)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 6006, chapter 3, Laws of 2015 3rd sp. sess.

(2) The reappropriation for any project for which the department has not executed a contract by December 31, 2023, shall lapse. The department shall provide a list of lapsed projects to the legislative fiscal committees no later than January 15, 2024.

(3) Pursuant to subsection (2) of this section, funding for the Seabrook Trail project has lapsed.

Reappropriation:

State Building Construction Account—
State. . . . . ((\$982,000))
\$559,000
Prior Biennia (Expenditures). \$31,102,000
Future Biennia (Projected Costs). . . \$0
TOTAL. . . . . ((\$32,084,000))
\$31,661,000

Sec. 6019. 2023 c 474 s 6097 (uncodified) is amended to read as follows:
FOR THE MILITARY DEPARTMENT

Thurston County Readiness Center (30000594)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1027, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

General Fund—Federal. . . . . \$3,301,000
Military Department Capital Account—
State. . . . . ((\$553,000))
\$100,000
Subtotal Reappropriation. . . . . ((\$3,854,000))
\$3,401,000
Prior Biennia (Expenditures). \$44,098,000
Future Biennia (Projected Costs). . . \$0
TOTAL. . . . . ((\$47,952,000))
\$47,499,000

Sec. 6020. 2023 c 474 s 6104 (uncodified) is amended to read as follows:
FOR THE MILITARY DEPARTMENT

Camp Murray Bldg. 20 Roof Top Unit Upgrade (40000189)

Reappropriation:

State Building Construction Account—
State. . . . . ((\$307,000))
\$2,000
Prior Biennia (Expenditures). ((\$6,000))

\$8,000

Future Biennia (Projected Costs) . . . \$0

TOTAL..... (\$313,000)

\$10,000

**Sec. 6021.** 2023 c 474 s 6105  
(uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital New Kitchen and Commissary Building (20081319)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2003, chapter 2, Laws of 2018.

**Reappropriation:**

State Building Construction Account—  
State. . . . . (\$1,263,000)

\$477,000

Prior Biennia (Expenditures).  
(\$28,927,000)

\$29,113,000

Future Biennia (Projected Costs) . . . \$0

TOTAL..... (\$30,190,000)

\$29,590,000

**Sec. 6022.** 2023 c 474 s 6135  
(uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Transitional Care Center-Main Building: Patient Rooms Cooling (40000574)

**Reappropriation:**

Coronavirus State Fiscal Recovery Fund—  
Federal. . . . . (\$2,315,000)

\$2,335,000

Prior Biennia (Expenditures). (\$20,000)

\$0

Future Biennia (Projected Costs) . . . \$0

TOTAL..... \$2,335,000

**Sec. 6023.** 2023 c 474 s 6164  
(uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

WVH HVAC Retrofit (40000006)

**Reappropriation:**

State Building Construction Account—  
State. . . . . (\$395,000)

\$424,000

Prior Biennia (Expenditures) (\$355,000)

\$326,000

Future Biennia (Projected Costs) . . . \$0

TOTAL..... \$750,000

**Sec. 6024.** 2023 c 474 s 6165  
(uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

WSH - Life Safety Grant (40000013)

**Reappropriation:**

General Fund—Federal. . . . (\$315,000)

\$325,000

State Building Construction Account—  
State. . . . . (\$164,000)

\$174,000

Subtotal Reappropriation..... (\$479,000)

\$499,000

Prior Biennia (Expenditures). (\$21,000)

\$1,000

Future Biennia (Projected Costs) . . . \$0

TOTAL..... \$500,000

**Sec. 6025.** 2023 c 474 s 6179  
(uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Interim Mental Health Building (40000260)

**Reappropriation:**

Capital Community Assistance Account—  
State. . . . . \$672,000

State Building Construction Account—  
State. . . . . (\$1,237,000)

\$1,522,000

Subtotal Reappropriation..... (\$1,909,000)

\$2,194,000

Prior Biennia (Expenditures). (\$38,000)

\$53,000

\$0

Future Biennia (Projected Costs) . . . \$0

TOTAL..... (\$1,947,000)

\$2,247,000

**Sec. 6026.** 2023 c 474 s 6228  
(uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Heritage Capital Grants Projects (30000297)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5054, chapter 2, Laws of 2018.

**Reappropriation:**

State Building Construction Account—  
State. . . . . (\$1,003,000)

\$750,000

Prior Biennia (Expenditures). (\$7,376,000)

\$7,552,000

\$0

Future Biennia (Projected Costs) . . . \$0

TOTAL..... (\$8,379,000)

\$8,302,000

**Sec. 6027.** 2023 c 474 s 6328  
(uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Water Banking (91000373)

The reappropriations in this section are subject to the following conditions and limitations: ~~((The reappropriations are subject to the provisions of section 7052 of this act.))~~

(1)(a) The appropriations in this section are provided solely for the department to administer a pilot grant program for water banking strategies to meet local water needs.

(b) \$2,000,000 is provided solely for qualified applicants located within the Methow River Basin.

(2)(a) Grant awards may only be used for:  
(i) Development of water banks in rural counties as defined in RCW 82.14.370;

(ii) Acquisition of water rights appropriate for use in a water bank including all costs necessary to evaluate the water right for eligibility for its intended use; and

(iii) Activities necessary to facilitate the creation of a water bank.

(b) For applicants located outside of the Methow River Basin, grant awards may only be used for water banking strategies within the county of origin.

(3) Grant awards may not exceed \$4,000,000 per applicant.

(4) For the purposes of a grant pursuant to this section, a water bank must meet water needs, which include, but are not limited to, agricultural use and instream flow for fish and wildlife. The water bank must preserve water rights for use in the county of origin and for permanent instream flows for fish and wildlife through the primary and secondary reaches of the water right.

(5) To be eligible to receive a grant under this section, an applicant must:

(a) Be a public entity or a participant in a public-private partnership with a public entity;

(b) Exhibit sufficient expertise and capacity to develop and maintain a water bank consistent with the purposes of this appropriation;

(c) Secure a valid interest to purchase a water right;

(d) Show that the water rights appear to be adequate for the intended use; and

(e) Agree to have one-third of any water right purchased with the funds appropriated under this section to have its purpose of use changed permanently to instream flow benefiting fish and wildlife.

(6) In determining whether a grant request is eligible for funding under this section, the department may not disqualify proposals that purchase water rights from an existing water bank.

Reappropriation:

State Building Construction Account—	
State. . . . .	\$5,000,000
State Drought Preparedness Account—	
State. . . . .	\$9,000,000
Subtotal Reappropriation. . . . .	\$14,000,000
Prior Biennia (Expenditures). . . . .	\$0
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$14,000,000

Sec. 6028. 2023 c 474 s 6336 (uncodified) is amended to read as follows: FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

2021-23 Underground Storage Tank Capital Financial Assistance Pgm (30000705)

Reappropriation:

Pollution Liability Insurance Agency	
Underground	
Storage Tank Revolving Account—State	
. . . . .	(\$11,733,000)
	\$10,000,000
Prior Biennia (Expenditures). . . . .	\$267,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	(\$12,000,000)
	\$10,267,000

Sec. 6029. 2023 c 474 s 6337 (uncodified) is amended to read as follows: FOR THE POLLUTION LIABILITY INSURANCE PROGRAM

2021-23 Heating Oil Capital Financing Assistance Program (30000706)

Reappropriation:

Pollution Liability Insurance Agency	
Underground	
Storage Tank Revolving Account—State	
. . . . .	(\$7,815,000)
	\$150,000
Prior Biennia (Expenditures). . . . .	\$185,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	(\$8,000,000)
	\$335,000

Sec. 6030. 2023 c 474 s 6366 (uncodified) is amended to read as follows: FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Facilities Program (30000410)	
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3072, chapter 2, Laws of 2018.	
Reappropriation:	
Recreation Resources Account—State.	
(\$5,473,000)	
	\$3,323,000
Prior Biennia (Expenditures). . . . .	\$11,702,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	(\$17,175,000)
	\$15,025,000

Sec. 6031. 2023 c 474 s 6376 (uncodified) is amended to read as follows: FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2019-21 - Salmon Recovery Funding Board Programs (40000004)	
The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3201, chapter 413, Laws of 2019.	

Reappropriation:	
General Fund—Federal. . . . .	\$17,126,000
State Building Construction Account—	
State. . . . .	(\$2,174,000)
	\$5,840,000
Subtotal Reappropriation. . . . .	(\$19,300,000)
	\$22,966,000
Prior Biennia (Expenditures). . . . .	
(\$55,700,000)	
	\$52,034,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$75,000,000

Sec. 6032. 2023 c 474 s 6392 (uncodified) is amended to read as follows: FOR THE RECREATION AND CONSERVATION FUNDING BOARD

2021-23 - Boating Facilities Program (40000023)	
Reappropriation:	
Recreation Resources Account—State.	
(\$12,283,000)	
	\$12,950,000
Prior Biennia (Expenditures). . . . .	
(\$2,667,000)	
	\$2,000,000
Future Biennia (Projected Costs). . . . .	\$0
TOTAL. . . . .	\$14,950,000

Sec. 6033. 2023 c 474 s 6460 (uncodified) is amended to read as follows: FOR THE DEPARTMENT OF NATURAL RESOURCES Omak Consolidation, Expansion and Relocation (40000033)

(3) 2023 c 474 s 6489 (uncodified); and (4) 2023 c 474 s 6490 (uncodified).

(End of part)

Reappropriation:

State Building Construction Account— State. . . . . ((\$93,000)) \$5,000 Prior Biennia (Expenditures). ((\$15,000)) \$20,000 Future Biennia (Projected Costs). . . \$0 TOTAL..... ((\$108,000)) \$25,000

PART 7 RESERVED

PART 8 MISCELLANEOUS PROVISIONS

Sec. 6034. 2023 c 474 s 6528 (uncodified) is amended to read as follows: FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION Healthy Kids/Healthy Schools - T-12 Lighting (91000483)

Sec. 8001. 2023 c 474 s 8001 (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 ((\$59,934,000))\$35,897,928 for the 2023-2025 biennium, ((\$371,683,000))\$342,236,404 for the 2025-2027 biennium, and ((\$519,454,000))\$491,366,915 for the 2027-2029 biennium.

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5009, chapter 296, Laws of 2022, except that during the 2023-2025 fiscal biennium, the office of the superintendent of public instruction may contract with an organization of educational facilities and maintenance professionals located in the state for the purpose of assisting school districts with identifying T-12 lighting fixtures and ballasts manufactured in or before 1979. The organization contracted pursuant to this section must provide information to school districts, as determined by the office of the superintendent of public instruction, regarding the availability of state grant funding and utility company rebate programs for the replacement of T-12 lighting with energy-efficient LED lighting. The contract awarded under this section may not exceed \$100,000.

NEW SECTION. Sec. 8002. (1) If the following accounts are repealed, agencies may not expend or obligate funds appropriated from the repealed account on or after the effective date of the repeal: (a) The climate commitment account; (b) the natural climate solutions account; and (c) the air quality and health disparities improvement account.

(2) If the following accounts are repealed, appropriations in chapter 474, Laws of 2023 (2023-2025 biennial capital budget) and this act that are appropriated from (a) the climate commitment account; (b) the natural climate solutions account; and (c) the air quality and health disparities improvement account shall be paid from the consolidated climate account, created in chapter . . . (Substitute House Bill No. 2104), Laws of 2024 (supplemental operating appropriations act), as if they were appropriated from the consolidated climate account beginning on the date of the repeal of the accounts unless specified otherwise.

Reappropriation:

State Building Construction Account— State. . . . . \$1,500,000 Prior Biennia (Expenditures). . . . . \$0 Future Biennia (Projected Costs). . . \$0 TOTAL..... \$1,500,000

Sec. 8003. 2023 c 474 s 8002 (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

Sec. 6035. 2023 c 474 s 6496 (uncodified) is amended to read as follows: FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates: Medical Mile Health Science Center (30000989)

Reappropriation:

State Building Construction Account— State. . . . . ((\$7,000)) \$108,000 Prior Biennia (Expenditures). ((\$44,059,000)) \$43,958,000 Future Biennia (Projected Costs). . . \$0 TOTAL..... \$44,066,000

NEW SECTION. Sec. 6036. The following acts or parts of acts are each repealed: (1) 2023 c 474 s 6083 (uncodified); (2) 2023 c 474 s 6343 (uncodified);



in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to \$119,000,000 plus financing expenses, required reserves, and capitalized interest pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Department of social and health services: Enter into a financing contract for up to \$175,888,000 plus costs and financing expenses, required reserves, and capitalized interest pursuant to chapter 39.94 RCW to construct a nursing facility on the Fircrest residential habilitation center campus. The department may contract to lease develop or lease purchase the facility. Before entering into a contract, the department must consult with the office of financial management and the office of the state treasurer. Should the department of social and health services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this subsection, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(5) Western Washington University: Enter into a financing contract for up to \$4,900,000 plus costs and financing expenses, required reserves, and capitalized interest pursuant to chapter 39.94 RCW to construct an electrical engineering and computer science building.

(6) The state board for community and technical colleges: Enter into a financing contract for up to \$2,000,000 plus costs and financing expenses, required reserves, and capitalized interest pursuant to chapter 39.94 RCW to renovate building J at the Renton technical college.

(7) The Evergreen State College: Enter into a financing contract for up to \$4,400,000 plus costs and financing expenses, required reserves, and capitalized interest pursuant to chapter 39.94 RCW to reopen unused residence halls.

**Sec. 8004.** RCW 70A.65.305 and 2022 c 253 s 1 are each amended to read as follows:

(1) Agencies that allocate funding or administer grant programs appropriated from the climate investment account created in RCW 70A.65.250, the climate commitment account created in RCW 70A.65.260, and the natural climate solutions account created in RCW 70A.65.270 must offer early, meaningful, and individual consultation with any affected federally recognized tribe on all funding decisions and funding programs that may impact tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by federal or state law, or by a federal or state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from a federally recognized tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the funding decisions and funding programs, assess their effects, and seek ways to avoid, minimize, or mitigate any adverse effects on tribal resources or rights.

(2) At the earliest possible date prior to submittal of an application, applicants for funding from the accounts created in RCW 70A.65.250, 70A.65.260, and 70A.65.270 shall engage in a preapplication process with all affected federally recognized tribes within the project area. During the 2023-2025 fiscal biennium, salmon habitat and climate resilience projects funded from the natural climate solutions account created in RCW 70A.65.270 that went through the application and prioritization process before July 1, 2023, are exempt from the preapplication requirements under this subsection.

(a) The preapplication process must include the applicant notifying the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized tribes within the project area. The notification must include geographical location, detailed scope of the proposed project, preliminary application details available to federal, state, or local governmental jurisdictions, and all publicly available materials, including public funding sources.

(b) The applicant must also offer to discuss the project with the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized tribes within the project area. Discussions may include the project's impact to tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order.

(c) All affected federally recognized tribes may submit to the appropriate agency

or agencies a summary of tribal issues, questions, concerns, or other statements regarding the project, which must become part of the official application file. The summary does not limit what issues affected federally recognized tribes may raise in the consultation process identified in subsections (1), (3) through (7), and (9) of this section.

(d) The notification and offer to initiate discussion must be documented with the application when it is filed, and a copy of the application must be delivered to the department of archaeology and historic preservation, the department of fish and wildlife, and to the affected federally recognized tribe or tribes. If the discussions pursuant to (b) of this subsection do not occur, the applicant must document the reason why the discussion or discussions did not occur.

(e) Nothing in this section may be interpreted to require the disclosure of information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966. Any information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966, shall not become part of the official application file.

(3) If any funding decision, program, project, or activity that may impact tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved by federal treaty, statute, or executive order is funded from the accounts created in RCW 70A.65.250, 70A.65.260, and 70A.65.270 without such a consultation with an affected federally recognized tribe, the affected federally recognized tribe may request that all further action on the decision, program, project, or activity cease until meaningful consultation is completed. Upon receipt of such a request by an agency or agencies with the authority to allocate funding or administer grant programs from the accounts listed in subsection (1) of this section in support of the proposed project, further action by the agency or agencies on any decision, program, project, or activity that would result in significant physical disturbance of the tribal resource or resources described in this subsection must cease until the consultation has been completed.

(4) Upon completion of agency and tribal consultation, an affected federally recognized tribe may request a formal review of the consultation by submitting a request to the governor's office of Indian affairs and notifying the appropriate agencies and the department of archaeology and historic preservation. The state agencies and tribe must meet to initiate discussion within no more than 20 days of the request. This consultation must be offered and conducted separately with each affected federally recognized tribe, unless the tribes agree to conduct a joint consultation with the state.

(5) After the state agencies and tribe or tribes have conducted a formal review under subsection (4) of this section, an affected federally recognized tribe or state agency may request that the governor and an elected tribal leader or leaders of a federally recognized tribal government meet to formally consider the recommendations from the parties. If requested, this meeting must occur within 30 days of the request, except that a federally recognized tribe may choose to opt out of the meeting. This timeline may be extended by mutual agreement between the governor and the tribal leaders.

(6) After the meeting identified in subsection (5) of this section has occurred, the governor or an elected tribal leader of a federally recognized tribe may call for the state and tribe or tribes to enter into formal mediation, except that a federally recognized tribe may choose to opt out of the mediation. If entered into, the mediation must be conducted as a government-to-government proceeding, with each sovereign government retaining their right to a final decision that meets their separate obligations and interests. Mediators must be jointly selected by the parties to the mediation. An agreement between the governor and a tribal leader or leaders resulting from the mediation is formally recognized and binding on the signatory parties. Absent an agreement, participation in mediation does not preclude any additional steps that any party can initiate, including legal review, to resolve a continuing disagreement.

(7) During the proceedings outlined in subsections (4) through (6) of this section, the agency or agencies with the authority to allocate funding or administer grant programs from the accounts listed in subsection (1) of this section in support of the proposed project may not approve or release funding, or make other formal decisions, including permitting, that advance the proposed project except where required by law.

(8) By June 30, 2023, the governor's office of Indian affairs, in coordination with the department of archaeology and historic preservation and federally recognized tribes, shall develop a state agency tribal consultation process, including best practices for early, meaningful, and effective consultation, early notification and engagement by applicants with federally recognized tribes as a part of the preapplication process in subsection (2) of this section, and protocols for communication and collaboration with federally recognized tribes. The consultation process developed under this section must be periodically reviewed and updated in coordination with federally recognized tribes. The governor's office of Indian affairs must provide training and other technical assistance to state agencies, as they implement the required consultation. Notwithstanding the governor's office of Indian affairs' ongoing work pursuant to this subsection, the provisions of subsections (1) through (7) and (9) of this section become effective as of June 9, 2022.

(9) The requirements of this section apply to local governments that receive funding from the accounts created in RCW 70A.65.250, 70A.65.260, and 70A.65.270, where that funding is disbursed to project and program applicants. Where requested, the governor's office of Indian affairs must provide training and other technical assistance to local government agencies as they implement the consultation requirements of this section.

(10) Any agency subject to or implementing this section may adopt rules in furtherance of its duties under this section.

(11) Subject to the availability of amounts appropriated for this specific purpose, the department must establish a tribal capacity grant program to provide funding to federally recognized tribes for the costs of implementing this section.

**Sec. 8005.** RCW 79.64.020 and 2014 c 32 s 3 are each amended to read as follows:

A resource management cost account in the state treasury is created to be used solely for the purpose of defraying the costs and expenses necessarily incurred by the department in managing and administering state lands((~~r~~))and aquatic lands((~~r~~)) and the making and administering of leases, sales, contracts, licenses, permits, easements, and rights-of-way as authorized under the provisions of this title. Appropriations from the resource management cost account to the department shall be expended for no other purposes. Funds in the resource management cost account may be appropriated or transferred by the legislature for the benefit of all of the trusts from which the funds were derived. During the 2013-2015 fiscal biennium, the legislature may transfer from the aquatics revenues in the resources management cost account to the marine resources stewardship trust account for the purposes of chapter 43.372 RCW. During the 2023-2025 fiscal biennium, the legislature may transfer no more than \$2,000,000 from the resource management cost account to the land bank account created in RCW 79.19.120.

**NEW SECTION. Sec. 8006.** On June 30, 2024, the state treasurer shall transfer \$2,000,000, or as much thereof as is necessary, from the resource management cost account created in RCW 79.64.020 to the land bank account created in RCW 79.19.120. Before June 30, 2024, the office of financial management, in consultation with the department of natural resources, shall provide the state treasurer with the amount necessary to transfer.

**Sec. 8007.** RCW 79A.25.210 and 2023 c 475 s 945 are each amended to read as follows:

The firearms range account is hereby created in the state general fund. Moneys in the account shall be subject to legislative appropriation and shall be used for purchase and development of land, construction or improvement of range facilities, including fixed structure construction or remodeling,

equipment purchase, safety or environmental improvements, noise abatement, and liability protection for public and nonprofit firearm range training and practice facilities.

Grant funds shall not be used for expendable shooting supplies, or normal operating expenses. In making grants, the board shall give priority to projects for noise abatement or safety improvement. Grant funds shall not supplant funds for other organization programs.

The funds will be available to nonprofit shooting organizations, school districts, and state, county, or local governments on a match basis. All entities receiving matching funds must be open on a regular basis and usable by law enforcement personnel or the general public who possess Washington concealed pistol licenses or Washington hunting licenses or who are enrolled in a firearm safety class.

Applicants for a grant from the firearms range account shall provide matching funds in either cash or in-kind contributions. The match must represent one dollar in value for each one dollar of the grant except that in the case of a grant for noise abatement or safety improvements the match must represent one dollar in value for each two dollars of the grant. In-kind contributions include but are not limited to labor, materials, and new property. Existing assets and existing development may not apply to the match.

Applicants other than school districts or local or state government must be registered as a nonprofit or not-for-profit organization with the Washington secretary of state. The organization's articles of incorporation must contain provisions for the organization's structure, officers, legal address, and registered agent.

Organizations requesting grants must provide the hours of range availability for public and law enforcement use. The fee structure will be submitted with the grant application.

Any nonprofit organization or agency accepting a grant under this program will be required to pay back the entire grant amount to the firearms range account if the use of the range facility is discontinued less than ten years after the grant is accepted.

Entities receiving grants must make the facilities for which grant funding is received open for hunter safety education classes and firearm safety classes on a regular basis for no fee.

Government units or school districts applying for grants must open their range facility on a regular basis for hunter safety education classes and firearm safety classes.

The board shall adopt rules to implement chapter 195, Laws of 1990, pursuant to chapter 34.05 RCW. During the 2017-2019 and 2019-2021 fiscal biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses) and chapter 282, Laws of 2017 (SB 5268) (concealed pistol license notices). During the 2021-2023 and 2023-2025 fiscal biennia, expenditures from the firearms range account may be used to implement chapter 74, Laws of 2017 (SHB 1100) (concealed pistol licenses).

During the 2023-2025 fiscal biennium, the legislature may also appropriate moneys in the firearms range account to the department of natural resources for recreational target shooting pilot sites as provided in section 3032 of this act.

During the 2023-2025 fiscal biennium, the application and matching funds requirements of this section do not apply to the recreational target shooting pilot sites in section 3032 of this act.

**NEW SECTION. Sec. 8008.** (1)(a) The director of the office of financial management, or the director's designee, shall collect a list of clean energy projects from state agencies that may qualify for elective payment under P.L. 117-169 (inflation reduction act of 2022), such as the purchase of electric vehicle fleets; alternative fuel vehicle refueling and charging; and renewable energy projects including wind, solar, geothermal, electrolytic hydrogen, and energy storage.

(b) For tax years 2023 and 2024, the director or director's designee shall work with agencies, including institutions of higher education, to complete all steps necessary to file an annual tax return with the United States internal revenue service on behalf of the state in order to claim elective payments available for state agency clean energy projects that have been placed into service.

(2) The office of financial management shall provide a report to the fiscal committees of the legislature by July 1, 2024, and June 30, 2025, that summarizes the state's tax return submitted that year, including the total dollar value of projects included in the tax return and the total dollar amount of direct pay tax credits sought. The report must also include an itemized list of the projects that displays the dollar amounts and types of tax credits sought.

(3) Funds received by the state pursuant to this section shall be deposited into the inflation reduction elective pay account created in chapter . . . (Engrossed Senate Bill No. 6098), Laws of 2024 (concerning accounts).

(4) It is the intent of the legislature that funds received under this section will be allocated to capital projects through omnibus capital appropriations acts.

**Sec. 8009.** RCW 70A.305.190 and 2022 c 102 s 2 are each amended to read as follows:

(1) The model toxics control capital account is hereby created in the state treasury.

(2) In addition to the funds deposited into the model toxics control capital account required under RCW 82.21.030, the following moneys must be deposited into the model toxics control capital account:

(a) The costs of remedial actions recovered under this chapter, except as provided under RCW 70A.305.170(7);

(b) Penalties collected or recovered under this chapter; and

(c) Any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the model toxics control capital account must be used for the improvement, rehabilitation, remediation, and cleanup of toxic sites and other capital-related expenditures for programs and activities identified in subsection (4) of this section.

(4) Moneys in the model toxics control capital account may be used only for capital projects and activities that carry out the purposes of this chapter and for financial assistance to local governments or other persons to carry out those projects or activities, including but not limited to the following, generally in descending order of priority:

(a) Remedial actions, including the following generally in descending order of priority:

(i) Extended grant agreements entered into under subsection (5)(a) of this section;

(ii) Grants or loans to local governments for remedial actions, including planning for adaptive reuse of properties as provided for under subsection (5)(d) of this section. 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) Department-conducted remedial actions;

(iv) Grants to persons intending to remediate contaminated real property for development of affordable housing;

(v) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70A.305.030(2)(e) if:

(A) The amount and terms of the funding are established under a settlement agreement under RCW 70A.305.040(4); and

(B) The director has found that the funding will achieve both a substantially more expeditious or enhanced cleanup than would otherwise occur, and the prevention or mitigation of unfair economic hardship;

(vi) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70A.305.030(2)(e) if:

(A) The facility is located within a redevelopment opportunity zone designated under RCW 70A.305.150;

(B) The amount and terms of the funding are established under a settlement agreement under RCW 70A.305.040(5); and

(C) The director has found the funding will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, provide a public benefit in addition to cleanup commensurate with the scope of the public funding; and meet any additional criteria established in rule by the department; and

(vii) To expedite multiparty clean-up efforts, purchase of remedial action cost-cap insurance;

(b) Grants, or loans, or contracts to local governments for solid waste plans and programs under chapters 70A.205, 70A.214, 70A.224, 70A.222, 70A.230, and 70A.300 RCW. Funds must be allocated consistent with priorities and matching requirements in the respective chapters;

(c) Toxic air pollutant reduction programs, including grants or loans to local governments for woodstoves and diesel;

(d) Grants, loans, or contracts to local governments for hazardous waste plans and programs under chapters 70A.405 and 70A.300 RCW, including chemical action plan implementation. Funds must be allocated consistent with priorities and matching requirements in the respective chapters; and

(e) Petroleum-based plastic or expanded polystyrene foam debris clean-up activities in fresh or marine waters.

(5) The department may establish and administer a program to provide grants and loans to local governments for remedial actions, including planning for adaptive reuse of contaminated properties. To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(a) 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 \$20,000,000. The agreement is subject to the following limitations:

(i) The initial duration of such an agreement may not exceed 10 years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(ii) Extended grant agreements may not exceed 50 percent of the total eligible remedial action costs at the facility; and

(iii) 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;

(b) 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;

(c) 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;

(d) 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;

(e) 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;

(f) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(i) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(ii) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(iii) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70A.305.040(5) that would not otherwise occur; and

(g) When pending grant applications under subsection (4)(d) and (e) of this section exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

(6) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in model toxics control capital account may be spent only after appropriation by statute.

(7) The legislature finds that, in 2023, wildfires in Spokane and Pend Oreille counties resulted in a loss of approximately 366 homes as well as secondary buildings. The burning of these structures has resulted in a large toxic debris field containing asbestos, heavy metals, plastics, and fuel which are at risk of leaching into the soil and groundwater. During the 2023-2025 fiscal biennium, moneys in the model toxics control capital account may be used for financial assistance to local governments for the testing of hazardous materials, removal of debris, and remediation of soil necessary to support the rebuilding of communities impacted by these wildfires.

**Sec. 8010.** RCW 43.19.125 and 2011 1st sp.s. c 43 s 204 are each amended to read as follows:

(1) The director of enterprise services shall have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials.

~~(2) ((During the 2007-2009 biennium, responsibility for development of the "Wheeler block" on the capitol campus as authorized in section 6013, chapter 520, Laws of 2007 shall be transferred from the department of general administration to the~~

~~department of information services.)) During the 2023-2025 fiscal biennium, the director must give legislative members reasonable access to reserve and utilize the reception room in the state legislative building when not otherwise booked.~~

**Sec. 8011.** RCW 79.22.060 and 2023 c 383 s 6 are each amended to read as follows:

(1) With the approval of the board, the department may directly transfer or dispose of state forestlands without public auction, if the transfers are:

(a) In lieu of condemnation or to resolve trespass and property ownership disputes and the lands consist of 10 contiguous acres or less or have a value of \$25,000 or less; or

(b) To public agencies as defined in RCW 79.17.200.

(2) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if the transaction is in the best interest of the state or affected trust. Valuable materials attached to lands to be transferred under subsection (1)(b) of this section must be appraised at the fair market value without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act, if any.

(3)(a) Except as provided in this subsection, the proceeds from real property transferred or disposed of under this section shall be deposited into the parkland trust revolving fund and be solely used to buy replacement forestland for the benefit of the county from which the property was transferred or disposed and pay for the department's administrative expenses to complete the transfer, including the cost of department staff time, appraisals, surveys, environmental reviews, and other similar costs of the transfer. The legislative authority of the county from which the real property was transferred or disposed under subsection (1)(b) of this section may request in writing that the department distribute a percentage of the proceeds associated with valuable materials. Upon such a request, and subject to prior approval by the board, the department shall distribute the requested percentage of proceeds associated with valuable materials as provided in RCW 79.64.110.

(b) The proceeds from real property transferred or disposed of under this section for the purpose of participating in the state forestland pool created under RCW 79.22.140 must be deposited into the parkland trust revolving fund and used to buy replacement forestland for the benefit of that county, as provided in RCW 79.64.110 and located within any county participating in the land pool or under a county agreement as provided in RCW 79.22.140.

(c) Except as otherwise provided in this subsection, in counties with a population of 25,000 or less, the portion of the proceeds associated with valuable materials on state forestland transferred under this section must be distributed as provided in RCW 79.64.110. If requested in writing by the

legislative authority of a county participating in the state forestland pool created under RCW 79.22.140, the portion of the proceeds associated with valuable materials on state forestland transferred under this section must be deposited in the parkland trust revolving fund and used to buy replacement forestland for the benefit of that county, as provided in RCW 79.64.110, and located within any county participating in the land pool or under a county agreement as provided in RCW 79.22.140.

(4) During the 2023-2025 fiscal biennium, the ability of a legislative authority of a county to request the distribution of proceeds from valuable materials under subsection (3)(a) of this section does not apply to structurally complex, carbon-dense forested trust land transferred under section 3034 of this act.

**Sec. 8012.** RCW 79.70.100 and 1998 c 50 s 2 are each amended to read as follows:

The department shall hold a public hearing in the county where the majority of the land in a proposed natural area preserve is located prior to establishing the boundary. During the 2023-2025 fiscal biennium, this section does not apply to section 3034 of this act.

**Sec. 8013.** RCW 79.71.060 and 1991 c 352 s 5 are each amended to read as follows:

The department shall hold a public hearing in the county where the majority of the land in the proposed natural resources conservation area is located prior to establishing the boundary. An area proposed for designation must contain resources consistent with characteristics identified in RCW 79.71.020. During the 2023-2025 fiscal biennium, this section does not apply to section 3034 of this act.

**Sec. 8014.** RCW 43.63A.750 and 2022 c 121 s 1 are each amended to read as follows:

(1) A competitive grant program to assist nonprofit organizations in acquiring, constructing, or rehabilitating performing arts, art museums, and cultural facilities is created.

(2)(a) The department shall submit a list of recommended performing arts, art museum projects, and cultural organization projects eligible for funding to the governor and the legislature in the department's biennial capital budget request beginning with the 2001-2003 biennium and thereafter. The list, in priority order, shall include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. The total amount of recommended state funding for projects on a biennial project list shall not exceed \$18,000,000.

(b) The department shall establish a competitive process to prioritize applications for state assistance as follows:

(i) The department shall conduct a statewide solicitation of project applications from nonprofit organizations, local governments, and other entities, as

determined by the department. For applications submitted during the 2023-2025 fiscal biennium, nonprofit organizations that are certified by the association of zoos and aquariums and that have long-term operating or management agreements are eligible to apply. The department shall evaluate and rank applications in consultation with a citizen advisory committee, including a representative from the state arts commission, using objective criteria. The evaluation and ranking process shall also consider local community support for projects and an examination of existing assets that applicants may apply to projects.

(ii) The department may establish the amount of state grant assistance for individual project applications but the amount shall not exceed thirty-three and one-third percent of the estimated total capital cost or actual cost of a project, whichever is less. The remaining portions of the project capital cost shall be a match from nonstate sources. The nonstate match may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions. The department is authorized to set matching requirements for individual projects. State assistance may be used to fund separate definable phases of a project if the project demonstrates adequate progress and has secured the necessary match funding.

(iii) The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects. In contracts for grants authorized under this section, the department shall include provisions requiring that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

NEW SECTION. **Sec. 8015.** 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. 8016.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Tharinger and Abbarno spoke in favor of the adoption of the striking amendment.

The striking amendment (1261) was adopted.

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

Representatives Tharinger, Callan and McClintock spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5949, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5949, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SUBSTITUTE SENATE BILL NO. 5949, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, ENGROSSED SUBSTITUTE SENATE BILL NO. 5949 was immediately transmitted to the Senate.

**POINT OF PERSONAL PRIVILEGE**

Representative Tharinger thanked the Capital Budget staff for all of their hard work and asked them to come onto the floor of the House so the Chamber could recognize them.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

- SUBSTITUTE HOUSE BILL NO. 1012
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1185
- SECOND SUBSTITUTE HOUSE BILL NO. 1205
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277
- SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1300
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1368
- SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1377
- HOUSE BILL NO. 1471
- SECOND SUBSTITUTE HOUSE BILL NO. 1551
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589
- HOUSE BILL NO. 1635
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652
- SUBSTITUTE HOUSE BILL NO. 1851
- SUBSTITUTE HOUSE BILL NO. 1870
- SECOND SUBSTITUTE HOUSE BILL NO. 1877
- SUBSTITUTE HOUSE BILL NO. 1924

HOUSE BILL NO. 1943  
 SUBSTITUTE HOUSE BILL NO. 1945  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1956  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2000  
 SUBSTITUTE HOUSE BILL NO. 2007  
 SECOND SUBSTITUTE HOUSE BILL NO. 2022  
 HOUSE BILL NO. 2032  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2039  
 SUBSTITUTE HOUSE BILL NO. 2045  
 SUBSTITUTE HOUSE BILL NO. 2056  
 SECOND SUBSTITUTE HOUSE BILL NO. 2071  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2099  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2118  
 SECOND SUBSTITUTE HOUSE BILL NO. 2124  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2131  
 HOUSE BILL NO. 2135  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2153  
 SUBSTITUTE HOUSE BILL NO. 2180  
 SUBSTITUTE HOUSE BILL NO. 2195  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2207  
 HOUSE BILL NO. 2213  
 SUBSTITUTE HOUSE BILL NO. 2226  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2236  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2247  
 ENGROSSED HOUSE BILL NO. 2266  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2301  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331  
 SUBSTITUTE HOUSE BILL NO. 2347  
 SUBSTITUTE HOUSE BILL NO. 2348  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2354  
 SUBSTITUTE HOUSE BILL NO. 2381  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384  
 SUBSTITUTE HOUSE BILL NO. 2396  
 HOUSE BILL NO. 2416  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2441  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2482  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2494  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5271  
 SECOND SUBSTITUTE SENATE BILL NO. 5660  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5778  
 SENATE BILL NO. 5799  
 SENATE BILL NO. 5842  
 SUBSTITUTE SENATE BILL NO. 5869  
 SENATE BILL NO. 5897  
 SUBSTITUTE SENATE BILL NO. 5920  
 SUBSTITUTE SENATE BILL NO. 5936  
 SUBSTITUTE SENATE BILL NO. 5940  
 SENATE BILL NO. 6013  
 SENATE BILL NO. 6084  
 SENATE BILL NO. 6263  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6286  
 SENATE JOINT MEMORIAL NO. 8008

The Speaker called upon Representative Bronoske to preside.

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

### INTRODUCTION & FIRST READING

HB 2503 by Representative Pollet

AN ACT Relating to improving the well-being of children in child care by enhancing transparency measures and modifying liability insurance requirements; amending RCW 43.216.325, 43.216.687, and 43.216.700; creating a new section; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

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

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

### THIRD READING

#### MESSAGE FROM THE SENATE

Monday, March 4, 2024

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6194 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

There being no objection, the rules were suspended, and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6194 was returned to second reading for the purpose of amendment.

### MOTION

Representative Fitzgibbon moved the adoption of the striking amendment (1264):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 44.90.020 and 2022 c 283 s 3 are each amended to read as follows:

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

(1) "Collective bargaining" means the performance of the mutual obligations of the employer and the exclusive bargaining representative to meet at reasonable times, except that neither party may be compelled to negotiate during a legislative session or on committee assembly days, to confer and negotiate in good faith, and to execute a written agreement with respect to the subjects of bargaining specified under RCW 44.90.090. The obligation to bargain does not compel either party to agree to a proposal or to make a concession unless otherwise provided in this chapter.

(2) "Commission" means the legislative commission created in section 17 of this act at the public employment relations commission, until the legislative commission expires on December 31, 2027. After December 31, 2027, "commission" means the public employment relations commission created under RCW 41.58.010(1).

~~((+2))~~(3) "Confidential employee" means an employee designated by the employer: (a) To assist in a confidential capacity, or serve as counsel to, persons who formulate, determine, and effectuate employer policies with regard to labor relations and personnel matters; or (b) who has authorized access to information that contributes to the development of, or relates to the effectuation or review of, the employer's collective bargaining policies, strategies, or process to the extent that such access creates a conflict of interest; or (c) who assists or aids an employee with managerial authority; or (d) who has separate and



distinct duties which include handling correspondence relating to labor negotiations and labor contract administration.

(4) "Director" means the director of the office of state legislative labor relations.

((+3)) (5) (a) "Employee" means:

(i) Any regular partisan employee of the house of representatives or the senate who is covered by this chapter; and

(ii) Any regular employee who is staff of the:

(A) Office of legislative support services;

(B) Legislative service center;

(C) Office of the code reviser who, during any legislative session, does not work full time on drafting and finalizing legislative bills to be included in the Revised Code of Washington; and

(D) House of representatives and senate administrations.

(b) "Employee" also includes temporary staff hired to perform substantially similar work to that performed by employees included under (a) of this subsection.

(c) All other regular employees and temporary employees, including casual employees, interns, and pages, and employees in the office of program research and senate committee services work groups of the house of representatives and the senate are excluded from the definition of "employee" for the purposes of this chapter.

(6) "Employee organization" means any organization, union, or association in which employees participate and that exists for the purpose, in whole or in part, of collective bargaining with employers.

((+4)) (7) "Employee with managerial authority" means any employee designated by the employer who, regardless of job title:

(a) Directs the staff who work for a legislative chamber, caucus, agency, or subdivision thereof; (b) has substantial responsibility in personnel administration, or the preparation and administration of the employer's budgets; and (c) exercises authority that is not merely routine or clerical in nature and requires the use of independent judgment.

(8) "Employer" means:

(a) The chief clerk of the house of representatives, or the chief clerk's designee, for employees of the house of representatives;

(b) The secretary of the senate, or the secretary's designee, for employees of the senate; and

(c) The chief clerk of the house of representatives and the secretary of the senate, acting jointly, or their designees, for the regular employees who are staff of the office of legislative support services, the legislative service center, and the office of the code reviser.

(9) "Exclusive bargaining representative" means any employee organization that has been certified under this chapter as the representative of the employees in an appropriate bargaining unit.

((+5)) (10) "Labor dispute" means any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing,

or seeking to arrange terms or conditions of employment with respect to the subjects of bargaining provided in this chapter, regardless of whether the disputants stand in the proximate relation of employer and employee.

(11) "Legislative agencies" means the joint legislative audit and review committee, the statute law committee, the legislative ethics board, the legislative evaluation and accountability program committee, the office of the state actuary, the legislative service center, the office of legislative support services, the joint transportation committee, and the redistricting commission.

((+6)) (12) "Office" means the office of state legislative labor relations.

(13) "Supervisor" means an employee designated by the employer to provide supervision to legislative employees as part of the employee's regular and usual job duties. Supervision includes directing employees, approving and denying leave, and participating in decisions to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, or to adjust employee grievances, when the exercise of the authority is not of a merely routine nature but requires the exercise of individual judgment, regardless of whether such duties are the employee's primary duties and regardless of whether the employee spends a preponderance of the employee's time exercising such duties. However, "supervisor" does not include a legislative assistant to a legislator of the senate or house of representatives.

**NEW SECTION. Sec. 2.** A new section is added to chapter 44.90 RCW to read as follows:

(1) This chapter does not apply to any legislative employee who has managerial authority, is a confidential employee, or who does not meet the definition of employee for the purpose of collective bargaining.

(2) This chapter also does not apply to:

(a) Elected or appointed members of the legislature;

(b) Any person appointed to office under statute, ordinance, or resolution for a specific term of office as a member of a multimember board, commission, or committee;

(c) The deputy secretary of the senate and the deputy chief clerk of the house of representatives;

(d) The senate human resources officer, the human resources director of the house of representatives, and the human resources officers or directors of the legislative support services, legislative service center, and office of the code reviser;

(e) The senate director of accounting and the director of accounting for the house of representatives, and the directors of accounting for the legislative support services, legislative service center, and office of the code reviser;

(f) Caucus chiefs of staff and caucus deputy chiefs of staff;

(g) The speaker's attorney, house counsel, and leadership counsel to the minority caucus of the house of representatives;

(h) The counsels for the senate that provide direct legal advice to the administration of the senate; and

(i) Any employee who provides direct administrative support to the office of the secretary of the senate or chief clerk of the house of representatives, or who conducts accounting, payroll, labor management, collective bargaining, or human resources activities.

**Sec. 3.** RCW 44.90.030 and 2022 c 283 s 2 are each amended to read as follows:

(1) The office of state legislative labor relations is created to assist the house of representatives, the senate, and legislative agencies in implementing and managing the process of collective bargaining for employees of the legislative branch of state government.

(2)(a) Subject to (b) of this subsection, the secretary of the senate and the chief clerk of the house of representatives shall employ a director of the office. The director serves at the pleasure of the secretary of the senate and the chief clerk of the house of representatives, who shall fix the director's salary.

(b) The secretary of the senate and the chief clerk of the house of representatives shall, before employing a director, consult with legislative employees, the senate facilities and operations committee, the house executive rules committee, and the human resources officers of the house of representatives, the senate, and legislative agencies.

(c) The director serves as the executive and administrative head of the office and may employ additional employees to assist in carrying out the duties of the office. The duties of the office include, but are not limited to, establishing bargaining teams and conducting negotiations on behalf of the employer.

~~((d) The director shall contract with an external consultant for the purposes of gathering input from legislative employees, taking into consideration RCW 42.52.020 and rules of the house of representatives and the senate. The gathering of input must be in the form of, at a minimum, surveys.~~

~~(3) The director, in consultation with the secretary of the senate, the chief clerk of the house of representatives, and the administrative heads of legislative agencies shall:~~

~~(a) Examine issues related to collective bargaining for employees of the house of representatives, the senate, and legislative agencies; and~~

~~(b) After consultation with the external consultant, develop best practices and options for the legislature to consider in implementing and administering collective bargaining for employees of the house of representatives, the senate, and legislative agencies.~~

~~(4)(a) By December 1, 2022, the director shall submit a preliminary report to the appropriate committees of the legislature that provides a progress report on the director's considerations.~~

~~(b) By October 1, 2023, the director shall submit a final report to the~~

~~appropriate committees of the legislature. At a minimum, the final report must address considerations on the following issues:~~

~~(i) Which employees of the house of representatives, the senate, and legislative agencies for whom collective bargaining may be appropriate;~~

~~(ii) Mandatory, permissive, and prohibited subjects of bargaining;~~

~~(iii) Who would negotiate on behalf of the house of representatives, the senate, and legislative agencies, and which entity or entities would be considered the employer for purposes of bargaining;~~

~~(iv) Definitions for relevant terms;~~

~~(v) Common public employee collective bargaining agreement frameworks related to grievance procedures and processes for disciplinary actions;~~

~~(vi) Procedures related to the commission certifying exclusive bargaining representatives, determining bargaining units, adjudicating unfair labor practices, determining representation questions, and coalition bargaining;~~

~~(vii) The efficiency and feasibility of coalition bargaining;~~

~~(viii) Procedures for approving negotiated collective bargaining agreements;~~

~~(ix) Procedures for submitting requests for funding to the appropriate legislative committees if appropriations are necessary to implement provisions of the collective bargaining agreements; and~~

~~(x) Approaches taken by other state legislatures that have authorized collective bargaining for legislative employees.~~

~~(5) The report must include a summary of any statutory changes needed to address the considerations listed in subsection (4) of this section related to the collective bargaining process for legislative employees.)~~

**NEW SECTION. Sec. 4.** A new section is added to chapter 44.90 RCW to read as follows:

(1) As provided by this chapter, the commission or the court shall determine all questions described by this chapter as under the commission's authority. However, such authority may not result in an order or rule that intrudes upon or interferes with the legislature's core function of efficient and effective law making or the essential operation of the legislature, including that an order or rule may not:

(a) Modify any matter relating to the qualifications and elections of members of the legislature, or the holding of office of members of the legislature;

(b) Modify any matter relating to the legislature or each house thereof choosing its officers, adopting rules for its proceedings, selecting committees necessary for the conduct of business, considering or enacting legislation, or otherwise exercising the legislative power of this state;

(c) Modify any matter relating to legislative calendars, schedules, and deadlines of the legislature;

(d) Modify laws, rules, policies, or procedures regarding ethics or conflicts of interest; or

(e) Require the legislature to reinstate an employee.

(2) No member of the legislature may be compelled by subpoena or other means to attend a proceeding related to matters covered by this chapter during a legislative session, committee assembly days, or for 15 days before commencement of each session.

**Sec. 5.** RCW 44.90.050 and 2022 c 283 s 5 are each amended to read as follows:

(1) Except as may be specifically limited by this chapter, legislative employees shall have the right to self-organization, to form, join, or assist employee organizations, and to bargain collectively through representatives of their own choosing for the purpose of collective bargaining free from interference, restraint, or coercion. Legislative employees shall also have the right to refrain from any or all such activities.

(2) Except as may be specifically limited by this chapter, the commission shall determine all questions pertaining to ascertaining exclusive bargaining representatives for legislative employees and collectively bargaining under this chapter. However, no employee organization shall be recognized or certified as the exclusive bargaining representative of a bargaining unit of employees of the legislative branch unless it receives the votes of a majority of employees in the petitioned for bargaining unit voting in a secret election ((by mail ballot)) administered by the commission. The commission's process must allow for an employee, group of employees, employee organizations, employer, or their agents to have the right to petition on any question concerning representation.

(3) ~~((The employer and the exclusive bargaining representative of a bargaining unit of legislative employees may not enter into a collective bargaining agreement that requires the employer to deduct, from the salary or wages of an employee, contributions for payments for political action committees sponsored by employee organizations with legislative employees as members.))~~ The commission must adopt rules that provide for at least the following:

(a) Secret balloting;

(b) Consulting with employee organizations;

(c) Access to lists of employees, job titles, work locations, and home mailing addresses;

(d) Absentee voting;

(e) Procedures for the greatest possible participation in voting;

(f) Campaigning on the employer's property during working hours; and

(g) Election observers.

(4) (a) If an employee organization has been certified as the exclusive bargaining representative of the employees of multiple bargaining units, the employee organization may act for and negotiate a master collective bargaining agreement that includes within the coverage of the agreement all covered employees in the bargaining units.

(b) If a master collective bargaining agreement is in effect for the newly certified exclusive bargaining representative, it applies to the bargaining unit for which the new certification has been issued. Nothing in this subsection (4) (b) requires the parties to engage in new negotiations during the term of that agreement.

(5) The certified exclusive bargaining representative is responsible for representing the interests of all the employees in the bargaining unit. This section may not be construed to limit an exclusive bargaining representative's right to exercise its discretion to refuse to process grievances of employees that are unmeritorious.

(6) No question concerning representation may be raised if:

(a) Fewer than 12 months have elapsed since the last certification or election; or

(b) A valid collective bargaining agreement exists covering the unit, except for that period of no more than 120 calendar days nor less than 90 calendar days before the expiration of the contract.

**NEW SECTION. Sec. 6.** A new section is added to chapter 44.90 RCW to read as follows:

(1) The commission, after hearing upon reasonable notice to all interested parties, shall decide, in each application for certification as an exclusive bargaining representative, the unit appropriate for certification. In determining the new units or modifications of existing units, the commission must consider: The duties, skills, and working conditions of the employees; the history of collective bargaining; the extent of organization among the employees; the desires of the employees; and the avoidance of excessive fragmentation. However, a unit is not appropriate if it includes:

(a) Both supervisors and nonsupervisory employees. A unit that includes only supervisors may be considered appropriate if a majority of the supervisory employees indicates by vote that they desire to be included in such a unit;

(b) Both house of representatives and senate employees;

(c) Both partisan and nonpartisan employees;

(d) Employees of the majority party caucus and the minority party caucus, unless a majority of the employees of each caucus indicate by vote that they desire to be included together in the same unit; or

(e) Employees of the legislative service center, office of legislative support services, and the office of the code reviser, in any combination with each other or in any combination with employees of the house of representatives or employees of the senate.

(2) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is

appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit.

**NEW SECTION. Sec. 7.** A new section is added to chapter 44.90 RCW to read as follows:

(1) The parties to a collective bargaining agreement must reduce the agreement to writing and both execute it.

(2) Except as provided in this chapter, a collective bargaining agreement must contain provisions that provide for a grievance procedure of all disputes arising over the interpretation or application of the collective bargaining agreement and that is valid and enforceable under its terms when entered into in accordance with this chapter.

(3) RCW 41.56.037 applies to this chapter.

(4) (a) If a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same bargaining units, the effective date of the collective bargaining agreement may be the day after the termination of the previous collective bargaining agreement, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with that effective date.

(b) If a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and the exclusive bargaining representative representing different bargaining units, the effective date of the collective bargaining agreement may be the day after the termination date of whichever previous collective bargaining agreement covering one or more of the units terminated first, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with that effective date.

(5) The employer and the exclusive bargaining representative of a bargaining unit of legislative employees may not enter into a collective bargaining agreement that requires the employer to deduct, from the salary or wages of an employee, contributions for payments for political action committees sponsored by employee organizations with legislative employees as members.

**Sec. 8.** RCW 44.90.060 and 2022 c 283 s 6 are each amended to read as follows:

~~((During a legislative session or committee assembly days, nothing))~~ Nothing contained in this chapter permits or grants to any legislative employee the right to strike, participate in a work stoppage, or refuse to perform their official duties.

**Sec. 9.** RCW 44.90.070 and 2022 c 283 s 7 are each amended to read as follows:

(1) Collective bargaining negotiations under this chapter must commence no later than July 1st of each even-numbered year after a bargaining unit has been certified.

(2) The duration of any collective bargaining agreement shall not exceed one fiscal biennium.

(3) (a) The director must submit ratified collective bargaining agreements, with cost estimates, to the employer by October 1st before the legislative session at which the request for funds is to be considered. The transmission by the legislature to the governor under RCW 43.88.090 must include a request for funds necessary to implement the provisions of all collective bargaining agreements covering legislative employees.

(b) If the legislature or governor fails to provide the funds for a collective bargaining agreement for legislative employees, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in section 10 of this act.

(4) Negotiation for economic terms will be by a coalition of all exclusive bargaining representatives. Any such provisions agreed to by the employer and the coalition must be included in all collective bargaining agreements negotiated by the parties. The director and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of bargaining unit specific issues for inclusion in the collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This subsection does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(5) If a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties must immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

**NEW SECTION. Sec. 10.** A new section is added to chapter 44.90 RCW to read as follows:

(1) Should the parties fail to reach agreement in negotiating a collective bargaining agreement, either party may request of the commission the assistance of an impartial third party to mediate the negotiations. If a collective bargaining agreement previously negotiated under this chapter expires while negotiations are underway, the terms and conditions specified in the collective bargaining agreement remain in effect for a period not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(2) Nothing in this section may be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any

other governmental or other agency or person in lieu of the commission.

(3) The commission shall bear costs for mediator services.

**Sec. 11.** RCW 44.90.080 and 2022 c 283 s 8 are each amended to read as follows:

(1) It is an unfair labor practice for an employer in the legislative branch of state government:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules adopted by the commission, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment;

(d) To discharge or discriminate otherwise against an employee because that employee has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the exclusive bargaining representatives of its employees.

(2) Notwithstanding any other law, the expression of any views, arguments, or opinions, or the dissemination thereof in any form, by a member of the legislature related to this chapter or matters within the scope of representation, shall not constitute, or be evidence of, an unfair labor practice unless the employer has authorized the member to express that view, argument, or opinion on behalf of the employer or as an employer.

(3) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce an employee in the exercise of the rights guaranteed by this chapter: PROVIDED, That this subsection shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership in the employee organization or to an employer in the selection of its representatives for the purpose of bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To discriminate against an employee because that employee has filed charges or given testimony under this chapter;

(d) To refuse to bargain collectively with an employer.

~~((3))~~(4) The expressing of any views, arguments, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

**NEW SECTION. Sec. 12.** A new section is added to chapter 44.90 RCW to read as follows:

(1) The commission is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. However, a complaint may not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission or in Thurston county superior court. This power may not be affected or impaired by any means of adjustment, mediation, or conciliation in labor disputes that have been or may hereafter be established by law.

(2) Except as may be specifically limited by this chapter, if the commission or court determines that any person has engaged in or is engaging in an unfair labor practice, the commission or court shall issue and cause to be served upon the person an order requiring the person to cease and desist from such unfair labor practice, and to take such affirmative action as will effectuate the purposes and policy of this chapter, such as the payment of damages.

(3) The commission may petition the Thurston county superior court for the enforcement of its order and for appropriate temporary relief.

**Sec. 13.** RCW 44.90.090 and 2022 c 283 s 9 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) Employees hold their positions at the employer's pleasure. However, the discipline of employees is subject to any collective bargaining agreement entered into under this chapter.

(3) The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by constitutional provision or statute, shall include, but not be limited to, the following:

(a) Any item listed in section 4(1) of this act;

(b) The functions and programs of the employer, the use of technology, and the structure of the organization, including the size and composition of standing committees;

~~((b))~~(c) The employer's budget and the size of the employer's workforce, including determining the financial basis for layoffs;

~~((c))~~(d) The right to direct and supervise employees;

~~((d))~~(e) The hours of work during legislative session ~~((and the cutoff calendar for a legislative session))~~ and committee assembly days, and the hours of work during the 60 calendar days before the first day of legislative session and during the 20 calendar days after the last day of legislative session. This subsection (3)(e) does not prohibit bargaining over hours of work during any other period and bargaining over compensation for hours of work in excess of a 40-hour workweek, except that bargaining over hours of work during periods not otherwise prohibited and compensation

for hours worked in excess of a 40-hour workweek may only occur for agreements that take effect after July 1, 2027; ((and

(e)) (f) The cutoff calendar for a legislative session;

(g) Health care benefits and other employee insurance benefits. The amount paid by a legislative employee for health care premiums must be the same as that paid by a represented state employee covered by RCW 41.80.020(3);

(h) The right to take whatever actions are deemed necessary to carry out the mission of the legislature and its agencies during emergencies; and

(i) Retirement plans and retirement benefits.

((+2)) (4) Except for an applicable code of conduct policy adopted by a chamber of the legislature or a legislative agency, if a conflict exists between policies adopted by the legislature relating to wages, hours, and terms and conditions of employment and a provision of a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with a statute or an applicable term of a code of conduct policy adopted by a chamber of the legislature or a legislative agency is invalid and unenforceable.

NEW SECTION. Sec. 14. A new section is added to chapter 44.90 RCW to read as follows:

(1) Upon authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(2) (a) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the exclusive bargaining representative. If the employer receives a request for authorization of deductions, the employer must, as soon as practicable, forward the request to the exclusive bargaining representative.

(b) Upon receiving notice of the employee's authorization, the employer must deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(c) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(d) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the exclusive bargaining representative in accordance with the terms and conditions of the authorization.

(e) After the employer receives confirmation from the exclusive bargaining representative that the employee has revoked

authorization for deductions, the employer must end the deduction no later than the second payroll after receipt of the confirmation.

(f) The employer must rely on information provided by the exclusive bargaining representative regarding the authorization and revocation of deductions.

NEW SECTION. Sec. 15. A new section is added to chapter 44.90 RCW to read as follows:

(1) If the parties to a collective bargaining agreement negotiated under this chapter agree to final and binding arbitration under grievance procedures allowed by section 7 of this act, the parties may agree on one or more permanent umpires to serve as arbitrator, or may agree on any impartial person to serve as arbitrator, or may agree to select arbitrators from any source available to them, including federal and private agencies, in addition to the staff and list of arbitrators maintained by the commission. If the parties cannot agree to the selection of an arbitrator, the commission must supply a list of names in accordance with the procedures established by the commission.

(2) The authority of an arbitrator shall be subject to the limits and restrictions specified under section 4 of this act.

(3) Except as limited by this chapter, an arbitrator may require any person to attend as a witness and to bring with them any book, record, document, or other evidence. The fees for such attendance must be paid by the party requesting issuance of the subpoena and must be the same as the fees of witnesses in the superior court. Arbitrators may administer oaths. Subpoenas must issue and be signed by the arbitrator and must be served in the same manner as subpoenas to testify before a court of record in this state. If any person so summoned to testify refuses or neglects to obey such subpoena, upon petition authorized by the arbitrator, the superior court may compel the attendance of the person before the arbitrator or punish the person for contempt in the same manner provided for the attendance of witnesses or the punishment of them in the courts of this state.

(4) Except as limited by this chapter, the arbitrator shall appoint a time and place for the hearing and notify the parties thereof, and may adjourn the hearing from time to time as may be necessary, and, on application of either party and for good cause, may postpone the hearing to a time not extending beyond the date fixed by the collective bargaining agreement for making the award. The arbitration award must be in writing and signed by the arbitrator. The arbitrator must, promptly upon its rendition, serve a true copy of the award on each of the parties or their attorneys of record.

(5) If a party to a collective bargaining agreement negotiated under this chapter that includes final and binding arbitration refuses to submit a grievance for arbitration, the other party to the collective bargaining agreement may invoke the jurisdiction of the superior court of

Thurston county and the court shall have jurisdiction to issue an order compelling arbitration. Disputes concerning compliance with grievance procedures shall be reserved for determination by the arbitrator. Arbitration shall be ordered if the grievance states a claim that on its face is covered by the collective bargaining agreement. Doubts as to the coverage of the arbitration clause shall be resolved in favor of arbitration.

(6) If a party to a collective bargaining agreement negotiated under this chapter that includes final and binding arbitration refuses to comply with the award of an arbitrator determining a grievance arising under the collective bargaining agreement, the other party to the collective bargaining agreement may invoke the jurisdiction of the superior court of Thurston county and the court shall have jurisdiction to issue an order enforcing the arbitration award.

**Sec. 16.** RCW 41.58.010 and 2012 c 117 s 89 are each amended to read as follows:

(1) There is hereby created the public employment relations commission (hereafter called the "commission") to administer the provisions of this chapter. ~~((The))~~ Notwithstanding section 17 of this act, the commission shall consist of three members who shall be citizens appointed by the governor by and with the advice and consent of the senate. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds. Commission members shall be eligible for reappointment. The governor shall designate one member to serve as chair of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members shall not be eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission.

(2) In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons knowledgeable in the area of labor relations in the state.

(3) A vacancy in the commission shall not impair the right of the remaining members to exercise all of the powers of the commission, and two members of the commission shall, at all times, constitute a quorum of the commission.

(4) The commission shall at the close of each fiscal year make a report in writing to the legislature and to the governor stating the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed.

**NEW SECTION. Sec. 17.** A new section is added to chapter 41.58 RCW to read as follows:

(1)(a) There is established a legislative commission (hereafter called "the legislative commission") exclusively for the purpose of certification of bargaining representatives, adjusting and settling complaints, grievances, and disputes arising out of employer-employee relations, and otherwise carrying out the duties required of the commission under chapter 44.90 RCW.

(b) The legislative commission shall consist of three members who shall be appointed as follows:

(i) One member shall be appointed by the speaker of the house of representatives;

(ii) One member shall be appointed by the president of the senate;

(iii) By mutual consent, the two appointed members shall appoint the third member who shall be the chair of the legislative commission.

(c) All appointments must be made by September 30, 2024. The members of the legislative commission, and any person appointed to fill a vacancy, are appointed for the entire term until the legislative commission expires under subsection (9) of this section.

(d) Until all the members of the legislative commission are appointed, the duties required of the legislative commission under chapter 44.90 RCW shall be carried out by the commission created under RCW 41.58.010(1).

(2) The commission may delegate to the executive director authority with respect to, but not limited to, representation proceedings, unfair labor practice proceedings, mediation, and, if applicable, arbitration of disputes concerning the interpretation or application of a collective bargaining agreement. Such delegation shall not eliminate a party's right of appeal to the legislative commission.

(3) Unless specifically provided, the legislative commission shall not be considered part of the commission created under RCW 41.58.010(1). The powers and duties granted in this chapter to the commission created under RCW 41.58.010(1) do not apply to the legislative commission, unless specifically provided.

(4) A member of the legislative commission may be removed by the speaker of the house of representatives and the president of the senate acting jointly, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(5) In making their appointments, the speaker of the house of representatives and the president of the senate shall be cognizant of the desirability of appointing a person who is knowledgeable in the area of labor relations and of the legislature.

(6) Members of the legislative commission are not eligible for state retirement under chapter 41.40 RCW by virtue of the member's service as a commissioner.

(7) The compensation and travel reimbursement provision under RCW 41.58.015(1) shall apply to members of the legislative commission.

(8) The legislative commission shall at the close of each fiscal year make a report in writing to the legislature stating the cases it has heard and decisions it has rendered.

(9) (a) The legislative commission expires December 31, 2027.

(b) After December 31, 2027, the duties required of the legislative commission under chapter 44.90 RCW shall be carried out by the commission created under RCW 41.58.010(1).

**Sec. 18.** RCW 41.58.015 and 1984 c 287 s 71 are each amended to read as follows:

(1) Each member of the commission shall be compensated in accordance with RCW 43.03.250. Members of the commission shall also be reimbursed for travel expenses incurred in the discharge of their official duties on the same basis as is provided in RCW 43.03.050 and 43.03.060.

(2) The commission shall appoint an executive director whose annual salary shall be determined under the provisions of RCW 43.03.028. The executive director shall perform such duties and have such powers as the commission shall prescribe in order to implement and enforce the provisions of this chapter. In addition to the performance of administrative duties, the commission may delegate to the executive director authority with respect to, but not limited to, representation proceedings, unfair labor practice proceedings, mediation of labor disputes, arbitration of disputes concerning the interpretation or application of a collective bargaining agreement, and, in certain cases, fact-finding or arbitration of disputes concerning the terms of a collective bargaining agreement. Such delegation shall not eliminate a party's right of appeal to the commission. The executive director, with such assistance as may be provided by the attorney general and such additional legal assistance consistent with chapter 43.10 RCW, shall have authority on behalf of the commission, when necessary to carry out or enforce any action or decision of the commission, to petition any court of competent jurisdiction for an order requiring compliance with the action or decision.

(3) (a) The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties, consistent with the provisions of this chapter.

(b) The employees of the commission shall also provide staff support to the legislative commission in carrying out the legislative commission's duties under chapter 44.90 RCW until the legislative commission expires on December 31, 2027, under section 17 of this act.

(4) The payment of all of the expenses of the commission, including travel expenses incurred by the members or employees of the commission under its orders, shall be subject to the provisions of RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 19.** A new section is added to chapter 44.90 RCW to read as follows:

(1) The following activities conducted by or on behalf of legislative employees related to collective bargaining under this chapter are exempt from the restrictions contained in RCW 42.52.020 and 42.52.160:

(a) Using paid time and public resources by an employee to negotiate or administer a collective bargaining agreement under this chapter when the employee is assigned to negotiate or administer the collective bargaining agreement and the use of paid time and public resources does not include state purchased supplies or equipment, does not interfere with or distract from the conduct of state business, and is consistent with the employer's policy on the use of paid time;

(b) Lobbying conducted by an employee organization, lobbyist, association, or third party on behalf of legislative employees concerning legislation that directly impacts legislative workplace conditions;

(c) Communication with a prospective employee organization during nonwork hours and without the use of public resources; or

(d) Conducting the day-to-day work of organizing and representing legislative employees in the workplace while serving in a legislative employee organization leadership position.

(2) (a) Nothing in this section affects the application of the prohibition against the use of special privileges under RCW 42.52.070, confidentiality requirements under RCW 42.52.050, or other applicable provisions of chapter 42.52 RCW to legislative employees.

(b) Nothing in this section permits any direct lobbying by a legislative employee.

(3) As used in this section, "lobby" and "lobbyist" have the meanings provided in RCW 42.17A.005.

**Sec. 20.** RCW 42.52.020 and 1996 c 213 s 2 are each amended to read as follows:

(1) No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.

(2) This section does not apply to activities conducted by legislative employees authorized under section 19 of this act.

**Sec. 21.** RCW 42.52.160 and 2023 c 91 s 3 are each amended to read as follows:

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties. It is not a violation of this section for a legislator or an appropriate legislative staff designee



to engage in activities listed under RCW 42.52.070(2) or 42.52.822.

(3) This section does not prohibit de minimis use of state facilities to provide employees with information about (a) medical, surgical, and hospital care; (b) life insurance or accident and health disability insurance; or (c) individual retirement accounts, by any person, firm, or corporation administering such program as part of authorized payroll deductions pursuant to RCW 41.04.020.

(4) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

(5) This section does not apply to activities conducted by legislative employees authorized under section 19 of this act.

**NEW SECTION. Sec. 22.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2024."

Correct the title.

Representative Fitzgibbon moved the adoption of amendment (1266) to the striking amendment (1264):

On page 1, line 25 of the striking amendment, after "who" insert "as part of the employee's job duties"

On page 1, beginning on line 28 of the striking amendment, after "process" strike all material through "interest" on line 29

On page 1, beginning on line 30 of the striking amendment, after "authority" strike all material through "administration" on line 32

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

Amendment (1266) to the striking amendment (1264) was adopted.

Representatives Fitzgibbon and Rude spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (1264), as amended, was adopted.

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

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

Representative Schmidt spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6194, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6194, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Nance, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Donaghy, Dye, Eslick, Fosse, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McClintock, Mosbrucker, Orcutt, Ormsby, Robertson, Schmick, Schmidt, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6194, as amended by the House, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Tuesday, March 5, 2024

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6069 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE SENATE BILL NO. 6069 was returned to second reading for the purpose of amendment.

**MOTION**

Representative Santos moved the adoption of the striking amendment (1262):

Strike everything after the enacting clause and insert the following:

**"PART I  
WASHINGTON SAVES**

**NEW SECTION. Sec. 1. ESTABLISHMENT.**

(1) Washington saves is established to serve as a vehicle through which covered employees may, on a voluntary basis, provide for additional retirement security through a state-facilitated retirement savings program in a convenient, cost-effective, and portable manner.

(2) Washington saves is intended as a public-private partnership that will encourage, not replace or compete with, employer-sponsored retirement plans.

(3) Washington saves must be designed in consultation with covered employers and covered employees to ensure that the businesses and workers intended to benefit from the program are provided ample opportunity to learn about and give input on the program design and timeline for

implementation before the program is made publicly available.

**NEW SECTION. Sec. 2. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrative account" means the Washington saves administrative treasury trust account created in section 11 of this act.

(2) "Administrative agency" means the state agency or office that will provide administrative support to the governing board, beginning no later than July 1, 2027.

(3) "Complainant" means a covered employee, or that employee's designee who has written or legal authority to act on behalf of the employee, who files a complaint alleging an employer administrative violation of section 3 of this act who learned of the alleged violation by way of their employment with a covered employer.

(4) "Consumer price index" means the consumer price index for all urban consumers, all items, for the Seattle area as calculated by the United States bureau of labor statistics or its successor agency.

(5) "Covered employee" means an individual who is 18 years of age or older, who is employed by a covered employer.

(6) "Covered employer" means any employer that:

(a) Has been in business in this state for at least two years as of the immediately preceding calendar year;

(b) Maintains a physical presence;

(c) Does not offer a qualified retirement plan to their covered employees who have had continuous employment of one year or more; and

(d) Employs, and at any point during the immediately preceding calendar year employed, employees working a combined minimum of 10,400 hours.

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

(8) "Employer" means a person or entity engaged in a business, profession, trade, or other enterprise in the state, whether for profit or not for profit. "Employer" does not include federal or state entities, agencies, or instrumentalities, or any political subdivision thereof.

(9) "Employer administrative duties" include all requirements of covered employers under section 3 of this act that do not involve amounts due to the employee.

(10) "Employment" has the same meaning as in RCW 50.04.100.

(11) "Governing board" means the board created in section 4 of this act.

(12) "Individual account" means an IRA established by or for an individual participant and owned by the individual participant pursuant to this chapter.

(13) "Individual participant" means any individual who is contributing to, or has a balance credited in, an IRA through the program.

(14) "Internal revenue code" means the federal internal revenue code of 1986, as amended, or any successor law.

(15) "IRA" means a traditional or Roth individual retirement account or individual retirement annuity described in section 408(a), 408(b), or 408A of the internal revenue code.

(16) "Payroll deduction IRA agreement" means an arrangement by which a participating employer makes payroll deductions authorized by this chapter and remits amounts deducted as contributions to IRAs on behalf of individual participants.

(17) "Program" means the Washington saves program established under this chapter.

(18) "Qualified retirement plan" means a retirement plan in compliance with applicable federal law for employees including those described in section 401(a), 401(k), 403(a), 403(b), 408(k), or 408(p) of the internal revenue code. A qualified retirement plan may require continuous employment of up to one year to be eligible for employee participation.

(19) "Wages" means any commission, compensation, salary, or other remuneration, as defined by section 219(f)(1) of the internal revenue code, received by a covered employee from a covered employer.

**NEW SECTION. Sec. 3. GENERAL PROVISIONS.** (1) The program:

(a) Allows covered employees to contribute to an IRA through automatic payroll deductions or additional retirement savings vehicles;

(b) Requires covered employers to fulfill the requirements provided in subsection (3) of this section;

(c) Facilitates automatic enrollment for covered employees and allows for covered employees to opt out of the plan at any time;

(d) Has a default contribution rate, set by the governing board by rule. The default contribution rate may not be less than three percent or more than seven percent of wages; and

(e) Has a default escalation rate, set by the governing board by rule. The default escalation rate may not exceed one percent per year. The maximum contribution rate based on the default escalation rate may not exceed 10 percent of wages.

(2)(a) Covered employees, who do not opt out of the program, are automatically enrolled in the program at the default rate or at an amount expressly specified by the employee in connection with the payroll deduction IRA agreement. Individual participants may modify their contribution rates or amounts or terminate their participation in the program at any time, subject to procedure defined by rule by the governing board. All contribution amounts are subject to the dollar limits on contributions provided by federal law.

(b) Contributions must be invested in the default investment option unless the individual participant affirmatively elects to invest some or all balances in one or more approved investment options offered by the program. An individual participant must have the opportunity to change investments for either future contributions or existing balances, or both, subject to requirements defined by rule by the governing board.

(c) Individual accounts are portable. A former individual participant who is either unemployed, or is employed by a noncovered employer, must be permitted to contribute to their individual account.

(d) An individual participant's and former individual participant's ability to withdraw, roll over, or transfer account balances is subject to, and liable for, all fees, penalties, and taxes under applicable law.

(e) An individual participant's or former individual participant's ability to receive distributions of contributions and earnings is subject to applicable law.

(3) (a) Each covered employer must facilitate the opportunity for covered employees to participate in the program by fulfilling the following administrative duties, as defined by rule by the governing board:

(i) Register with the program and provide the program administrator relevant information about covered employees;

(ii) (A) Assist the program by offering all covered employees the choice to either participate by voluntarily contributing to an IRA or opt out; or

(B) Automatically enroll covered employees in a qualified retirement plan offered by a trade association or chamber of commerce and permit covered employees to opt out;

(iii) Timely remit participant contributions; and

(iv) Distribute program information and disclosures to covered employees, as provided in section 4(14) of this act.

(b) The employers' role in the program is solely ministerial. In accordance with federal law, employers are prohibited from contributing funds to the IRAs through the program.

(c) Employers are not fiduciaries with respect to, or are liable for, the program, related information, educational materials, or forms or disclosures approved by the governing board, or the selection or performance of vendors selected by the governing board. An employer is not responsible for or obligated to monitor a covered employee's or individual participant's decision to participate in or opt out of the program, for contribution decisions, investment decisions, or failure to comply with the statutory eligibility conditions or limits on IRA contributions. An employer does not guarantee any investment, rate of return, or interest on assets in any individual participant account or the administrative account or is liable for any market losses, failure to realize gains, or any other adverse consequences, including the loss of favorable tax treatment or public assistance benefits, incurred by any person as a result of participating in the program. Nothing in this section relieves an employer from liability for criminal, fraudulent, tortious, or otherwise actionable conduct including liability related to the failure to remit employee contributions.

(4) (a) The governing board must determine the type or types of IRA accounts available under the program.

(b) An individual participant's contributions and earnings may be combined for investment and custodial purposes only. Separate records and accounting are required for individual accounts. Reports on the status of individual accounts must be provided to each individual participant at least annually. Individual participants must have online access to their accounts.

(c) Any moneys placed in these accounts may not be counted as assets for the purposes of state or local means-tested program eligibility or levels of state means-tested program eligibility.

NEW SECTION. **Sec. 4.** GOVERNING BOARD —RESPONSIBILITIES. (1) The governing board shall design and administer the program for the exclusive benefit of individual participants and beneficiaries with the care and skill of a knowledgeable, prudent individual.

(2) The governing board is comprised of 15 members as follows:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(c) The state treasurer;

(d) The director of the department or the director's designee; and

(e) The following members representing the diversity and geography of the state, appointed by the governor:

(i) One member representing the securities industry;

(ii) One member representing the insurance industry;

(iii) One member who is a certified financial planner recommended by the national association of insurance and financial advisors of Washington;

(iv) One member representing the interests of small, independent businesses in Washington;

(v) One member representing the interests of minority-owned and women-owned businesses in Washington;

(vi) One member representing the Washington asset building coalition;

(vii) One member representing a retirement advocacy organization;

(viii) One member representing covered employees; and

(ix) One member representing covered employers.

(3) (a) The legislative member from the majority caucus of the house of representatives shall convene the initial meeting of the governing board. The governing board shall choose cochaIRS selected from the legislative membership for the design stage of the program until July 1, 2027. The governing board shall provide recommendations in the legislative report about who should be the chair of the governing board once the program is operational after July 1, 2027.

(b) After July 1, 2027, the legislative members of the governing board serve in an ex officio, advisory role to the governing board.

(4) Members who are appointed by the governor serve three-year terms and may be appointed for a second three-year term at the discretion of the governor. Members who are appointed by the governor may serve up to two terms over the course of their lifetime. The governor may stagger the terms of the appointed members.

(5) The governing board may appoint work groups to support the design and administration of the program. Work groups do not serve a voting function on the governing board and may include individuals who are not members of the governing board. Any work group established by the governing board is a class one group under RCW 43.03.220. Work group members receive compensation accordingly.

(6) Other state agencies must provide appropriate and reasonable assistance to the program as needed, including gathering data and information, in order for the governing board to carry out the purposes of this chapter. The governing board may reimburse the other state agencies from the administrative account for reasonable expenses incurred in providing appropriate and reasonable assistance.

(7)(a) The governing board must begin meeting in 2025.

(b) The governing board may conduct meetings remotely by teleconference or videoconference, including to obtain a quorum and to take votes on any measure.

(c) Each voting governing board member has one vote. The powers of the governing board must be exercised by a majority of all voting members present at the meeting of the governing board, whether in person or remotely. A quorum is required to convene a meeting of the governing board and to act on any measure before the governing board.

(8) The governing board shall establish, design, develop, implement, maintain, and oversee the program in accordance with this chapter and best practices for retirement saving vehicles.

(9) Staff support for the governing board shall be provided by:

(a) The department of financial institutions, until no later than June 30, 2027; and

(b) The administrative agency, beginning no later than July 1, 2027.

(10) The governing board shall conduct an outreach and education initiative regarding the design and implementation of the program. The governing board shall consult, educate, and receive feedback from covered employers and covered employees regarding the program design and implementation. The outreach and education initiative must ensure that diverse employer and employee communities are consulted, that interpreters are provided, and that written documents and materials are translated. In order to facilitate accessibility for diverse affected businesses and employees, the governing board shall work with the various state commissions to develop culturally and linguistically responsive outreach and education plans.

(11) Regarding investments, the governing board:

(a) Has the sole responsibility for contracting with outside firms to provide

investment management for the program funds and manage the performance of investment managers under those contracts;

(b) Must adopt an investment policy statement and ensure that the investment options offered, including default investment options, are consistent with the objectives of the program. The menu of investment options may encompass a range of risk and return opportunities and must take the following into account:

(i) The nature and objectives of the program;

(ii) The diverse needs of individual participants;

(iii) The desirability of limiting investment choices under the program to a reasonable number; and

(iv) The extensive investment choices available to participants outside of the program.

(12) Regarding the design of the program, the governing board must:

(a) Ensure the program is designed and operated in a manner that will not cause it to be subject to or preempted by the federal employment retirement income security act of 1974, as amended, and that any employer that is not a covered employer shall have no reporting or registration obligation or requirement to take any action under the program other than to claim an exemption from coverage by the program;

(b) Design and operate the program to:

(i) Minimize costs to individual participants, covered employers, and the state;

(ii) Minimize the risk that covered employees will exceed applicable annual contribution limits;

(iii) Facilitate and encourage employee participation in the program and participant saving;

(iv) Maximize simplicity, including ease of administration for covered employers and ease of use for individual participants;

(v) Provide a simple process for covered employees to opt out of the program at any time or modify their payroll deductions;

(vi) Maximize portability of individual accounts;

(vii) Maximize financial security in retirement; and

(viii) Maximize the availability of funds to individual participants with a goal of having funds available within three business days following the remittance of payroll deductions by covered employers, if feasible;

(c) Design the program to be compliant with all applicable requirements under the internal revenue code, including requirements for favorable tax treatment of IRAs, and any other applicable law or regulation;

(d) Consult with the department of financial institutions, the department, the office of minority and women's business enterprises, and the office of the secretary of state to create a strategy to educate and inform covered employers about employer administrative duties under this chapter, including the development of culturally relevant and responsive approaches centered in cultural humility with outreach to employers that are considered socially

vulnerable, historically marginalized, or face cultural or language barriers to participate in workplace retirement savings programs;

(e) Launch the program by July 1, 2027. The board may stagger implementation in stages after that date, which may include phasing in implementation based on the size of employers, or other factors.

(13) The governing board may adopt rules to govern the program, including to govern the following:

(a) Employee registration and enrollment process;

(b) Employee alternative election procedure including, but not limited to, the method in which a participating individual may opt out of participation at any time, change their contribution rate, opt out of auto-escalation, make nonpayroll contributions, and make withdrawals;

(c) Contribution limits, the initial automatic default contribution rate, and the automatic default escalation rate;

(d) Outreach, marketing, and educational initiatives or publication of online resources, encouragement of participation, retirement savings, and sound investment practices. Outreach, marketing, and educational initiatives must promote cultural humility and engage culturally relevant and responsive approaches while including special consideration for socially vulnerable communities historically, or are known to often be, excluded from, marginalized by, or face barriers to participation in workplace retirement savings programs; and

(e) A process in which individuals who are not covered employees may participate in the program, including unemployed individuals, self-employed individuals, and other independent contractors.

(14) The governing board shall develop:

(a) Information regarding the program;

(b) The following disclosures:

(i) A description of the benefits and risks associated with making contributions under the program;

(ii) Instructions about how to obtain additional information about the program;

(iii) A description of the tax consequences of an IRA, which may consist of or include the disclosure statement required to be distributed by the trustee under the internal revenue code and treasury regulations thereunder;

(iv) A statement that covered employees seeking financial advice should contact their own financial advisers, that covered employers are not in a position to provide financial advice, and that covered employers are not liable for decisions covered employees make under this chapter;

(v) A statement that the program is not an employer-sponsored retirement plan;

(vi) A statement that the covered employee's IRA established under the program is not guaranteed by the state;

(vii) A statement that the program is voluntary for covered employees, and a covered employee may opt out of the program at any time; and

(viii) A statement that neither a covered employer nor the state will monitor or has an obligation to monitor the covered

employee's eligibility under the internal revenue code to make contributions to an IRA or to monitor whether the covered employee's contributions to the IRA established for the covered employee exceed the maximum permissible IRA contribution; that it is the covered employee's responsibility to monitor such matters; and that the state, the program, and the covered employer have no liability with respect to any failure of the covered employee to be eligible to make IRA contributions or any contribution in excess of the maximum IRA contribution;

(c) Information, forms, and instructions to be furnished to covered employees, at such times as the governing board determines, that provide the covered employee with the procedures for:

(i) Making contributions to the covered employee's IRA established under the program, including a description of the automatic enrollment rate, the automatic escalation rate and frequency, the right to elect to make no contribution or to change the contribution rate under the program, and how to opt out of the program at any time;

(ii) Making an investment election with respect to the covered employee's IRA established under the program, including a description of the default investment fund; and

(iii) Making transfers, rollovers, withdrawals including instructions on how to access funds, and other distributions from the covered employee's IRA.

(15) The governing board must evaluate options to assist covered employees and employers to identify private sector providers of financial advice, to the extent feasible and unless prohibited by state or federal laws. The governing board must consider options including, but not limited to, a website established and maintained by the governing board.

(16) The governing board may create or enter into, on behalf of the program, a consortium, alliance, joint venture, partnership, compact, or contract with another state or states or their programs or boards.

(17) The governing board must collect administrative fees to defray the costs of administering the program. If the governing board creates or enters into a joint program agreement, as provided in subsection (16) of this section, the rate of the administrative fee for covered employees may not exceed the rate charged to covered employees of another state participating in the same program.

(18) The governing board, its members, and the administrative agency are not individually or collectively insurers of the funds or assets of the investment fund or individual accounts. Neither the governing board nor the administrative agency is liable for the action or inaction of the other.

(19) The governing board, its members, and the administrative agency are not individually or collectively liable to the state, to the fund, or to any other person as a result of their activities as members or staff, whether ministerial or discretionary, except for willful dishonesty or intentional violation of law. The governing board, its members, and the

administrative agency may purchase liability insurance.

(20) The governing board shall submit progress reports to the appropriate committees of the legislature, in accordance with RCW 43.01.036.

(a) The first preliminary report is due December 1, 2025, and must include feedback to the legislature on the proposed timeline set forth under this chapter and progress on outreach initiatives and program implementation.

(b) The final report on program design and implementation recommendations is due December 1, 2026, and must include the following:

(i) A comprehensive summary of outreach activities conducted by the governing board to receive feedback on design elements and implementation for the program, including:

(A) Types of outreach conducted;

(B) Specific calendar dates and time frames in which outreach occurred;

(C) Covered employers and covered employees who were contacted;

(D) Subject matters discussed regarding the program and proposed program structure;

(E) The types of retirement account programs covered employers and covered employees preferred;

(F) Explanations of concerns received during the outreach activities and how those concerns were addressed;

(ii) Recommendations on whether the legislature should make changes to the program's structure or whether any statutory changes need to occur; and

(iii) Recommendations regarding the governing board structure, including who should chair the governing board and what entity should serve as the administrative agency that provides staff support to the governing board once the program is established and operational. The governing board shall consider a potential new agency, an existing state agency, or the office of a stand-alone statewide elected official for the administrative agency.

(c) Annual reports including program updates and program information must begin December 1, 2028, and include information on:

(i) Participation;

(ii) Account performance;

(iii) Board decisions; and

(iv) Any recommendations to the legislature regarding the program.

(21) The governing board may consult with the state investment board and the department of financial institutions regarding program design and implementation.

(22) The governing board shall assure any administrative contract services for the program provide culturally responsive and relevant supports rooted in cultural humility while including special considerations for socially vulnerable communities historically, or are known to often be, excluded from, marginalized by, or face barriers to participation in workplace retirement savings programs.

**NEW SECTION. Sec. 5. INVESTMENT MANAGER—RESPONSIBILITIES.** (1) (a) After consultation with the governing board, the

investment manager may invest funds associated with the program. The investment manager, after consultation with the governing board regarding any recommendations, must provide a set of options for eligible individuals to choose from for self-directed investment. Any self-directed investment options must comply with the internal revenue code.

(b) All investment and operating costs of the investment manager associated with making self-directed investments must be paid by participants and recovered under procedures agreed to by the governing board and the investment manager. All other expenses caused by self-directed investments must be paid by the participant in accordance with the rules established by the governing board. With the exception of these expenses, all earnings from self-directed investments accrue to the individual accounts.

(2) The investment manager must invest and manage the assets entrusted to it:

(a) With reasonable care, skill, prudence, and diligence under circumstances then prevailing which a prudent person acting in a like capacity and familiar with such matters would use to conduct of an activity of like character and purpose; and

(b) In accordance with the investment policy established by the governing board.

(3) The authority to establish all policies relating to implementation, design, and management of the program resides with the governing board.

(4) The investment manager must routinely consult and communicate with the governing board on the investment policy, performance of the accounts, and related needs of the program.

**NEW SECTION. Sec. 6. LABOR AND INDUSTRIES—RESPONSIBILITIES.** (1) The

department has the following responsibilities related to covered employers, as provided in this chapter:

(a) Educate participating employers of their administrative duties under this chapter;

(b) In the case of noncompliance with employer administrative duties, investigate complaints, educate employers about how to come into compliance, and, in the case of willful violations, issue citations and collect penalties;

(c) In the case of impermissible withholding of amounts due to employees, investigate and enforce the complaint as an alleged violation of a wage payment requirement, as defined in RCW 49.48.082; and

(d) Facilitate a process in which employers may appeal complaints.

(2) Collections of unpaid citations assessing civil penalties by the department under this chapter must be made pursuant to RCW 49.48.086.

**NEW SECTION. Sec. 7. LABOR AND INDUSTRIES—COMPLIANCE WITH EMPLOYER ADMINISTRATIVE DUTIES.** (1) Covered employers

shall comply with employer administrative duties provided under this chapter.

(2) If a complainant files a complaint with the department alleging any administrative violation, the department shall investigate the complaint and:

(a) If the complaint is filed before January 1, 2030, offer technical assistance to the employer to bring them into compliance. Civil penalties may not be assessed before January 1, 2030;

(b) If the complaint is filed on or after January 1, 2030, educate the employer on how to come into compliance and, if necessary and as provided in this section, enforce penalties for willful violations.

(3) The department may not investigate any alleged violation of rights that occurred more than three years before the date that the complainant filed the complaint.

(4) (a) If the department finds an employer administrative violation, the department must first provide an educational letter outlining the violations and provide 90 days for the employer to remedy the violations. The employer may ask for an extension for good cause. The department may extend the period by providing written notice to the employee and the employer, specifying the duration of the extension. If the employer fails to remedy the violation within 90 days, the department may issue a citation and notice of assessment with a civil penalty.

(b) Except as provided otherwise in this chapter, the maximum penalty for a first-time willful violation is \$100 and \$250 for a second willful violation. For the purposes of this section, "willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute. For each subsequent willful violation, the employer is subject to a maximum penalty amount of \$500 for each violation.

(c) The department may not assess a civil penalty if the employer reasonably relied on: (i) A rule related to any of the requirements of this chapter; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director of the department; or (iii) an interpretive or administrative policy issued by the department and filed pursuant to chapter 34.05 RCW. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether an employer is immune from civil penalties under (b) of this subsection.

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

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

**NEW SECTION. Sec. 8. LABOR AND INDUSTRIES—ADMINISTRATIVE CITATION APPEALS.**

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

(2) A notice of appeal filed with the director of the department under this section must state the effectiveness of the citation and notice of assessment pending final review of the appeal by the director as provided for in chapter 34.05 RCW.

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

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

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

(6) An employer who fails to allow adequate inspection of records in an investigation by the department under this section within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of the penalty assessed.

**NEW SECTION. Sec. 9. LABOR AND INDUSTRIES—ENFORCEMENT OF AMOUNTS DUE.**

(1) Employers may not impermissibly withhold any amounts due to the employee related to the employer's obligations under section 3 of this act. If any employee files a complaint with the department alleging that the employer impermissibly withheld any amounts due to the employee related to the employer's obligations under section 3 of this act, the department shall investigate and otherwise enforce the complaint as an alleged violation of a wage payment requirement, as defined in RCW 49.48.082.

(2) During an investigation, if the department discovers information suggesting additional violations of impermissibly withheld amounts due to the employees related to the employer's obligations under section 3 of this act, the department may investigate and take appropriate enforcement

action without any additional complaint. The department may also initiate an investigation on behalf of one or more employees for any such violation when the director otherwise has reason to believe that a violation has occurred or will occur.

(3) The department may conduct a consolidated investigation for any alleged withheld amounts due to the employees related to the employer's obligations under section 3 of this act when there are common questions of law or fact involving the employees. If the department consolidates such matters into a single investigation, it shall provide notice to the employer.

(4) The department may, for the purposes of enforcing this section, issue subpoenas to compel the attendance of witnesses or parties and the production of documents, administer oaths and examine witnesses under oath, take depositions, and seek affidavits or other verifications. The department may require the employer perform a self-audit of any records. The results or conclusions of the self-audit must be provided to the department within a reasonable time. The department must specify the timelines in the self-audit request. The records examined by the employer in order to perform the self-audit must be made available to the department upon request.

(5) Any citation or determination of compliance issued under this section is subject to RCW 49.48.083, 49.48.084, 49.48.085, and 49.48.086.

**NEW SECTION. Sec. 10. PRIVATE AND CONFIDENTIAL INFORMATION.** (1) Any information or records concerning an individual or employer obtained by the administrative agency or the governing board to administer this chapter are private and confidential, except as otherwise provided in this section.

(a) If information provided to the administrative agency or the governing board by a governmental agency is held private and confidential by state or federal law, the administrative agency and the governing board may not release such information, unless otherwise provided in this section.

(b) Information provided to the administrative agency or the governing board by a governmental entity conditioned upon privacy and confidentiality under a provision of law is to be held private and confidential according to the agreement between the administrative agency or the governing board and the other governmental agency, unless otherwise provided in this title.

(2) Persons requesting disclosure of information held by the administrative agency or the governing board under this section must request such disclosure from the governmental agency that provided the information to the administrative agency or the governing board, rather than from the administrative agency or the governing board.

(3) If the governing board creates or enters into, on behalf of the program, a consortium, alliance, joint venture, partnership, compact, or contract with another state or states or their programs or

boards, the laws of the state that is most protective of individual and employer confidentiality governs.

(4) The governing board has the authority to adopt, amend, or rescind rules interpreting and implementing this chapter.

(5)(a) An individual must have access to all records and information concerning that individual held by the administrative agency or the governing board.

(b) An employer must have access to its own records relating to their compliance with the program and any audit conducted or penalty assessed under this chapter.

(c) The administrative agency or the governing board may disclose information and records deemed confidential under this chapter to a third party acting on behalf of an individual or employer that would otherwise be eligible to receive records under this section when the administrative agency or the governing board receives a signed release from the individual or employer. The release must include a statement:

(i) Specifically identifying the information that is to be disclosed;

(ii) The acknowledgment that state government files will be assessed to obtain that information;

(iii) The specific purpose for which the information is sought and a statement that information obtained under the release will only be used for that purpose; and

(iv) Indicating all parties who will receive the information disclosed.

(d) The administrative agency or the governing board may disclose information or records deemed private and confidential under this chapter to any private person or organization, including the trustee, and, by extension, the agents of any private person or organization, when the disclosure is necessary to permit private contracting parties to assist in the operation, management, and implementation of the program. The private person or organization may only use the information or records solely for the purpose for which the information was disclosed and are bound by the same rules of privacy and confidentiality as the administrative agency and the governing board.

(6)(a) A decision under this chapter by the administrative agency, the department, the governing board, or the appeals tribunal may not be deemed private and confidential under this section, unless the decision is based on information obtained in a closed hearing.

(b) Information or records deemed private and confidential under this section must be available to parties to judicial or formal administrative proceedings only upon a written finding by the presiding officer that the need for the information or records in the proceeding outweighs any reasons for the privacy and confidentiality of the information on record.

(7)(a) All private persons, governmental agencies, and organizations authorized to receive information from the administrative agency or the governing board under this chapter have an affirmative duty to prevent unauthorized disclosure of confidential information and are prohibited from



disclosing confidential information unless expressly permitted by this section.

(b) If misuse of an unauthorized disclosure of confidential records or information occurs, all parties who are aware of the violation must inform the administrative agency immediately and must take all reasonable available actions to rectify the disclosure to the administrative agency standards.

(c) The misuse or unauthorized release of records or information deemed private and confidential under this chapter by any private person, governmental agency, or organization will subject the person, governmental agency, or organization to a civil penalty of up to \$20,000 in the first year of the program. Beginning in December of the second year of the program and each December thereafter, the administrative agency must adjust the maximum civil penalty amount by multiplying the current maximum civil penalty by one plus the percentage by which the most current consumer price index available on December 1st of the current year exceeds the consumer price index for the prior 12-month period, and rounding the result to the nearest \$1,000. If an adjustment under this subsection (7)(c) would reduce the maximum civil penalty, the administrative agency must not adjust the maximum civil penalty for use in the following year. Other applicable sanctions under state and federal law also apply.

(d) Suit to enforce this section must be brought by the attorney general and the amount of any penalties collected must be paid into the administrative account created in section 11 of this act. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section.

(8) This section does not contain a rule of evidence.

**NEW SECTION. Sec. 11. WASHINGTON SAVES ADMINISTRATIVE TREASURY TRUST ACCOUNT.**

(1) The Washington saves administrative treasury trust account is created in the custody of the state treasurer.

(2) Expenditures from the account may be used only for the purposes of administrative and operating expenses of the program established under this chapter.

(3) Only the director of the administrative agency or the director's designee may authorize expenditures from the account. The account is exempt from appropriation and allotment provisions under chapter 43.88 RCW.

(4) The account may receive grants, gifts, or other moneys appropriated for administrative purposes from the state and the federal government.

(5) Any interest incurred by the account will be retained within the account.

**NEW SECTION. Sec. 12. INVESTMENT ACCOUNT.**

(1) The Washington saves investment account is established as a trust, with the governing board created under this chapter as its trustee.

(2)(a) Moneys in the account consist of moneys received from individual participants and participating employers pursuant to

automatic payroll deductions and contributions to savings made under this chapter. The governing board shall determine how the account operates, provided that the account is operated so that the individual accounts established under the program meet the requirements for IRAs under the internal revenue code.

(b) The assets of the account are not state money, common cash, or revenue to the state. Amounts in the account may not be commingled with state funds and the state has no claim to or against, or interest in, such funds.

(3) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. An appropriation is not required for expenditures.

(4) Only the governing board or the governing board's designee may authorize expenditures from the account.

**PART II  
RETIREMENT MARKETPLACE**

**NEW SECTION. Sec. 13.** RCW 43.330.730 (Finding—2015 c 296) is decodified.

**Sec. 14.** RCW 43.330.732 and 2015 c 296 s 2 are each amended to read as follows:

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

(1) "Approved plans" means retirement plans offered by private sector financial services firms that meet the requirements of this chapter to participate in the marketplace.

(2) "Balanced fund" means a mutual fund that has an investment mandate to balance its portfolio holdings. The fund generally includes a mix of stocks and bonds in varying proportions according to the fund's investment outlook.

(3) "Eligible employer" means a self-employed individual, sole proprietor, or an employer with ~~((fewer than))~~ at least one ~~((hundred))~~ qualified employee ~~((s))~~ at the time of enrollment.

(4) "Enrollee" means any employee who is voluntarily enrolled in an approved plan offered by an eligible employer through the Washington small business retirement marketplace.

~~(5) ("myRA" means the myRA retirement program administered by the United States department of the treasury that is available to all employers and employees with no fees or no minimum contribution requirements. A myRA is a Roth IRA option and investments in these accounts are backed by the United States department of the treasury.~~

~~((6))~~ "Participating employer" means any eligible employer with employees enrolled in an approved plan offered through the Washington small business retirement marketplace who chooses to participate in the marketplace and offers approved plans to employees for voluntary enrollment.

~~((7))~~ (6) "Private sector financial services firms" or "financial services firms" mean persons or entities licensed or holding a certificate of authority and in

good standing by either the department of financial institutions or the office of the insurance commissioner and meeting all federal laws and regulations to offer retirement plans.

~~((+8+))~~ (7) "Qualified employee" means those workers who are defined by the federal internal revenue service to be eligible to participate in a specific qualified plan.

~~((+9+))~~ (8) "Target date or other similar fund" means a hybrid mutual fund that automatically resets the asset mix of stocks, bonds, and cash equivalents in its portfolio according to a selected time frame that is appropriate for a particular investor. A target date is structured to address a projected retirement date.

~~((+10+))~~ (9) "Washington small business retirement marketplace" or "marketplace" means the retirement savings program created to connect eligible employers and their employees with approved plans to increase retirement savings.

**Sec. 15.** RCW 43.330.735 and 2017 c 69 s 1 are each amended to read as follows:

(1) The Washington small business retirement marketplace is created.

(2) Prior to connecting any eligible employer with an approved plan in the marketplace, the director shall design a plan for the operation of the marketplace.

(3) The director shall consult with the Washington state department of retirement systems, the Washington state investment board, and the department of financial institutions in designing and managing the marketplace.

(4) The director shall approve for participation in the marketplace all private sector financial services firms ~~((that meet the requirements of)), as defined in RCW 43.330.732((+7+))~~.

(5) A range of investment options must be provided to meet the needs of investors with various levels of risk tolerance and various ages. The director must approve a diverse array of private retirement plan options that are available to employers on a voluntary basis, including but not limited to life insurance plans that are designed for retirement purposes, and plans for eligible employer participation such as ~~((+a+))~~ a SIMPLE IRA-type plan that provides for employer contributions to participating enrollee accounts ~~((+ and (b) a payroll deduction individual retirement account type plan or workplace-based individual retirement accounts open to all workers in which the employer does not contribute to the employees' account))~~.

(6) (a) Prior to approving a plan to be offered on the marketplace, the department must receive verification from the department of financial institutions or the office of the insurance commissioner:

(i) That the private sector financial services firm offering the plan meets the ~~((requirements of))~~ definition in RCW 43.330.732 ~~((+7+))~~; and

(ii) That the plan meets the requirements of this section excluding subsection (9) of this section which is subject to federal laws and regulations.

(b) If the plan includes either life insurance or annuity products, or both, the office of the insurance commissioner may request that the department of financial institutions conduct the plan review as provided in (a)(ii) of this subsection prior to submitting its verification to the department.

(c) The director may remove approved plans that no longer meet the requirements of this chapter.

(7) The financial services firms participating in the marketplace must offer a minimum of two product options: (a) A target date or other similar fund, with asset allocations and maturities designed to coincide with the expected date of retirement and (b) a balanced fund. ~~((The marketplace must offer myRA.))~~

(8) In order for the marketplace to operate, there must be at least two approved plans on the marketplace; however, nothing in this subsection shall be construed to limit the number of private sector financial services firms with approved plans from participating in the marketplace.

(9) Approved plans must meet federal law or regulation for internal revenue service approved retirement plans.

(10) The approved plans must include the option for enrollees to roll pretax contributions into a different individual retirement account or another eligible retirement plan after ceasing participation in a plan approved by the Washington small business retirement marketplace.

(11) Financial services firms selected by the department to offer approved plans on the marketplace may not charge the participating employer an administrative fee and may not charge enrollees more than one hundred basis points in total annual fees and must provide information about their product's historical investment performance. Financial services firms may charge enrollees a de minimis fee for new and/or low balance accounts in amounts negotiated and agreed upon by the department and financial services firms. The director shall limit plans to those with total fees the director considers reasonable based on all the facts and circumstances.

(12) Participation in the Washington small business retirement marketplace is voluntary for both eligible employers and qualified employees.

(13) Enrollment in any approved plan offered in the marketplace is not an entitlement.

### **PART III WASHINGTON SAVES - ADMINISTRATIVE ACCOUNT - RETAIN OWN INTEREST**

**Sec. 16.** RCW 43.79A.040 and 2023 c 389 s 8, 2023 c 387 s 2, 2023 c 380 s 6, 2023 c 213 s 9, 2023 c 170 s 19, and 2023 c 12 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with

moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the Billy Frank Jr. national statuary hall collection fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law

enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation account, the medication for people living with HIV rebate revenue account, the homeowner recovery account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pollution liability insurance program trust account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, the Washington saves administrative treasury trust account, and the library operations account.

(c) The following accounts and funds must receive 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**Sec. 17.** RCW 43.79A.040 and 2023 c 389 s 8, 2023 c 387 s 2, 2023 c 380 s 6, 2023 c 213 s 9, and 2023 c 12 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the Billy Frank Jr. national statutory hall collection fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and

medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation account, the medication for people living with HIV rebate revenue account, the homeowner recovery account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, the Washington saves administrative treasury trust account, and the library operations account.

(c) The following accounts and funds must receive 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high

occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

#### **PART IV MISCELLANEOUS**

NEW SECTION. **Sec. 18.** Section 16 of this act expires July 1, 2030.

NEW SECTION. **Sec. 19.** (1) Section 16 of this act takes effect July 1, 2024.

(2) Section 17 of this act takes effect July 1, 2030.

NEW SECTION. **Sec. 20.** Sections 1 through 12 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. **Sec. 21.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state."

Correct the title.

Representative Reeves moved the adoption of amendment (1263) to the striking amendment (1262):

On page 7, line 17 of the striking amendment, after "2027" insert ". The department of financial institutions may contract with a third-party entity to provide assistance or expertise during the program outreach and education, design, and implementation stage if approved by the governing board"

Representatives Reeves and Robertson spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1263) to the striking amendment (1262) was adopted.

Representatives Santos and Robertson spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (1262), as amended, was adopted.

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

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

Representatives Robertson and Christian spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6069, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6069, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chapman, Cheney, Christian, Connors, Corry, Couture, Duert, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klieker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

ENGROSSED SUBSTITUTE SENATE BILL NO. 6069, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

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

#### **MESSAGE FROM THE SENATE**

Wednesday, March 6, 2024

Mme. Speaker:

The Senate has passed:

SECOND ENGROSSED HOUSE BILL NO. 1757

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

#### **MESSAGE FROM THE SENATE**

Wednesday, March 6, 2024

Mme. Speaker:

The Senate receded from its amendment(s) to SUBSTITUTE HOUSE BILL NO. 2147, and passed the bill without said amendments.

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

**MESSAGE FROM THE SENATE**

Wednesday, March 6, 2024

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5949
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6038
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

**MESSAGE FROM THE SENATE**

Wednesday, March 6, 2024

Mme. Speaker:

The President has signed:

- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5670
- SECOND SUBSTITUTE SENATE BILL NO. 5780
- SUBSTITUTE SENATE BILL NO. 5787
- SUBSTITUTE SENATE BILL NO. 5808
- SENATE BILL NO. 5836
- SENATE BILL NO. 5881
- SENATE BILL NO. 5952
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6068
- SENATE BILL NO. 6094
- SUBSTITUTE SENATE BILL NO. 6106
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6109
- SUBSTITUTE SENATE BILL NO. 6115
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6127
- SUBSTITUTE SENATE BILL NO. 6146
- ENGROSSED SENATE BILL NO. 6151
- SUBSTITUTE SENATE BILL NO. 6197
- SECOND SUBSTITUTE SENATE BILL NO. 6228
- SENATE BILL NO. 6238
- ENGROSSED SENATE BILL NO. 6246
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6251
- SENATE BILL NO. 6308

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

**MESSAGE FROM THE SENATE**

Wednesday, March 6, 2024

Mme. Speaker:

The President has signed:

- HOUSE BILL NO. 1054
- SUBSTITUTE HOUSE BILL NO. 1105
- HOUSE BILL NO. 1226
- SUBSTITUTE HOUSE BILL NO. 1241
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862
- SUBSTITUTE HOUSE BILL NO. 1903
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1998
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2115
- SUBSTITUTE HOUSE BILL NO. 2295
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2321
- SUBSTITUTE HOUSE BILL NO. 2382

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

**MESSAGE FROM THE SENATE**

Wednesday, March 6, 2024

Mme. Speaker:

The President has signed:

- SUBSTITUTE SENATE BILL NO. 5857
- SECOND SUBSTITUTE SENATE BILL NO. 5882
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5890
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5891
- SENATE BILL NO. 5904
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5908
- SUBSTITUTE SENATE BILL NO. 5953
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5983
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5985
- SUBSTITUTE SENATE BILL NO. 5986
- SECOND SUBSTITUTE SENATE BILL NO. 6006
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6009
- SUBSTITUTE SENATE BILL NO. 6015

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

**MESSAGE FROM THE SENATE**

Wednesday, March 6, 2024

Mme. Speaker:

The President has signed:

- SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5150
- SENATE BILL NO. 5184
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5213
- SUBSTITUTE SENATE BILL NO. 5376
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5424
- SECOND SUBSTITUTE SENATE BILL NO. 5444
- ENGROSSED SENATE BILL NO. 5462
- SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5580
- ENGROSSED SENATE BILL NO. 5592
- ENGROSSED SENATE BILL NO. 5632
- SUBSTITUTE SENATE BILL NO. 5649
- SUBSTITUTE SENATE BILL NO. 5774
- SUBSTITUTE SENATE BILL NO. 5785
- SENATE BILL NO. 5800
- SUBSTITUTE SENATE BILL NO. 5804
- ENGROSSED SENATE BILL NO. 5824
- SECOND SUBSTITUTE SENATE BILL NO. 5825
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5828
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5838

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

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

**THIRD READING****MESSAGE FROM THE SENATE**

Monday, March 4, 2024

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 2454, with the following amendment(s): 2454 AMS FRAM S5701.1

On page 2, line 9, after "January 1," strike "2036" and insert "2028"

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2454 and advanced the bill, as amended by the Senate, to final passage.

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

**FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 2454, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2454, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cory, Cortes, Couture, Davis, Dent, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goeher, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Doglio, Pollet, Ramel and Ramos

Excused: Representative Chandler

HOUSE BILL NO. 2454, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1239, with the following amendment(s): 1239-S4.E AMS EDU S5374.1

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** A new section is added to chapter 43.06B RCW to read as follows:

(1) By July 1, 2025, and in compliance with this section, the office of the education ombuds shall create a simple and uniform access point for the receipt of complaints involving the elementary and secondary education system. The purpose of the access point is to provide a single point of entry for complaints to be reported and then referred to the most appropriate individual or entity for dispute resolution at the lowest level of intercession.

(2) Any individual who has firsthand knowledge of a violation of federal, state, or local laws, policies or procedures, or of improper or illegal actions related to elementary or secondary education and performed by an employee, contractor, student, parent or legal guardian of a student, or member of the public may submit a complaint to the office of the education ombuds.

(3) (a) The office shall delineate a complaint resolution and referral process for reports received through the access point. The process must:

(i) Require that the office of the education ombuds assign a unique identifier to a complaint upon receipt before referring the complaint to the appropriate individual or entity for dispute resolution at the lowest level of intercession;

(ii) Link to all existing relevant complaint and investigative processes, such as the special education community complaint process, the discrimination complaint process, the process for reporting complaints related to harassment, intimidation, and bullying, and the complaint and investigation provisions under RCW 28A.410.090 and 28A.410.095; and

(iii) Discourage frivolous complaints and complaints made in bad faith.

(b) The establishment of a process as required in this section does not confer additional authority to the office of the education ombuds to mitigate or oversee disputes.

(4) The office of the education ombuds, in collaboration with the office of the superintendent of public instruction, must develop protocols for the receipt, resolution, and referral of complaints and must design a communications plan to inform individuals who report complaints through the access point about the steps in the complaint resolution and referral process, including when to expect a response from the individual or entity charged with resolving the complaint.

(5) For the purposes of this section, "employee" or "contractor" means employees and contractors of the state educational agencies, educational service districts, public schools as defined in RCW 28A.150.010, the state school for the blind, and the center for deaf and hard of hearing youth.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall post on its website a prominent link to the complaint resolution and referral access point maintained by the office of the education ombuds, described in section 1 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.310 RCW to read as follows:

Each educational service district shall post on its website a prominent link to the complaint resolution and referral access point maintained by the office of the education ombuds, described in section 1 of this act.

**Sec. 4.** RCW 28A.600.510 and 2023 c 242 s 6 are each amended to read as follows:

(1) Beginning August 1, 2023, public schools must:

(a) Provide students and their parents or guardians with a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds at the time of initial enrollment or admission; and

(b) Either: (i) Include on their website a description of the services available through the office of the education ombuds and a prominent link to the ((website of)) complaint resolution and referral access point maintained by the office of the education ombuds, described in section 1 of this act; or (ii) provide a description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds in existing materials that are shared annually with families, students, and school employees, such as welcome packets, orientation guides, and newsletters. This requirement as it relates to students and families may be satisfied by using the model student handbook language in RCW 28A.300.286.

(2) Public schools are encouraged to comply with both subsection (1)(b)(i) and (ii) of this section.

(3) By July 1, 2022, the office of the education ombuds must develop a template of the information described in subsection (1) of this section. The template must be translated into Spanish and into other languages as resources allow. The template must be made available upon request and updated as needed.

(4) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

**NEW SECTION. Sec. 5.** (1) The legislature finds that a code of educator ethics is a statement of the values, ethical principles, and ethical standards to which every educator, regardless of role or rank, can aspire. As such, the legislature finds that a code of educator ethics can provide a common statewide framework for supporting Washington educators in the practice of their profession. The legislature does not intend a code of educator ethics to

substitute for or replace an enforceable code of educator conduct.

(2) By September 1, 2025, and in accordance with RCW 43.01.036, the Washington professional educator standards board and the paraeducator board shall jointly report to the appropriate committees of the legislature a summary of their activities under this section, any planned activities by either board related to adopting a code of educator ethics, and any recommendations for legislative action, if necessary, related to state adoption of a code of ethics.

(3) The report must advise the legislature on the following topics:

(a) How a code of educator ethics will support the development of an effective and comprehensive professional educator workforce;

(b) Whether a model code of educator ethics will be adopted or adapted for Washington state, or whether a code of educator ethics unique to Washington state will be developed; and

(c) Any challenges that are anticipated with state adoption of a code of educator ethics.

(4) In meeting the requirements of this section, the Washington professional educator standards board and the paraeducator board must:

(a) Engage with their stakeholders across the professional educator spectrum; and

(b) Review the model code of ethics for educators, second edition, developed by the national association of state directors of teacher education and certification.

(5) As used in this section, "educator" refers to certificated administrative staff, certificated instructional staff, and paraeducators.

(6) This section expires June 30, 2026.

**Sec. 6.** RCW 9A.16.100 and 1986 c 149 s 1 are each amended to read as follows:

(1) It is the policy of this state to protect children from assault and abuse and to encourage parents(~~(, teachers,)~~) and their authorized agents to use methods of correction and restraint of children that are not dangerous to the children. However, the physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent(~~(, teacher,)~~) or guardian for purposes of restraining or correcting the child. Any use of force on a child by any other person is unlawful unless it ~~((is))~~ either: (a) Is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child; or (b) when occurring in an educational setting and involving an educator, actually or substantially complies with limitations on the use of student isolation and restraint under RCW 28A.600.485 including that it is used only when a student's behavior poses an imminent likelihood of serious harm.

(2) The following actions are presumed unreasonable when used to correct or restrain a child: ~~((1))~~ (a) Throwing, kicking, burning, or cutting a child; ~~((2))~~ (b) striking a child with a closed fist; ~~((3))~~ (c) shaking a child under age



three; ~~((4))~~ (d) interfering with a child's breathing; ~~((5))~~ (e) threatening a child with a deadly weapon; or ~~((6))~~ (f) doing any other act that is likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks. The age, size, and condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable or moderate. This list is illustrative of unreasonable actions and is not intended to be exclusive.

NEW SECTION. **Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.600.510 and 9A.16.100; adding a new section to chapter 43.06B RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.310 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1239 and advanced the bill, as amended by the Senate, to final passage.

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

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Fourth Substitute House Bill No. 1239, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Fourth Substitute House Bill No. 1239, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Orcutt and Walsh  
Excused: Representative Chandler

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1239, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1453, with the following amendment(s): 1453-S AMS ENGR S5517.E

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 69.50.535 and 2022 c 16 s 101 are each amended to read as follows:

(1)(a) There is levied and collected a cannabis excise tax equal to thirty-seven percent of the selling price on each retail sale in this state of cannabis concentrates, useable cannabis, and cannabis-infused products. This tax is separate and in addition to general state and local sales and use taxes that apply to retail sales of tangible personal property, and is not part of the total retail price to which general state and local sales and use taxes apply. The tax must be separately itemized from the state and local retail sales tax on the sales receipt provided to the buyer.

(b) The tax levied in this section must be reflected in the price list or quoted shelf price in the licensed cannabis retail store and in any advertising that includes prices for all useable cannabis, cannabis concentrates, or cannabis-infused products.

(2)(a) Until June 30, 2029, the tax levied by subsection (1) of this section does not apply to sales by a cannabis retailer with a medical cannabis endorsement to qualifying patients or designated providers who have been issued a recognition card, of cannabis concentrates, useable cannabis, or cannabis-infused products, identified by the department as a compliant cannabis product in chapter 246-70 WAC and tested to the standards in WAC 246-70-040.

(b) Each seller making exempt sales under this subsection (2) must maintain information establishing eligibility for the exemption in the form and manner required by the board.

(c) The board must provide a separate tax reporting line on the excise tax form for exemption amounts claimed under this subsection (2).

(3) All revenues collected from the cannabis excise tax imposed under this section must be deposited each day in the dedicated cannabis account.

~~((3))~~ (4) The tax imposed in this section must be paid by the buyer to the seller. Each seller must collect from the buyer the full amount of the tax payable on each taxable sale. The tax collected as required by this section is deemed to be held in trust by the seller until paid to the board. If any seller fails to collect the tax imposed in this section or, having collected the tax, fails to pay it as prescribed by the board, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller is, nevertheless, personally liable to the state for the amount of the tax.

~~((4))~~ (5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) ~~("Board" means the state liquor and cannabis board.~~

~~(b))~~ "Retail sale" has the same meaning as in RCW 82.08.010.

~~((e))~~ (b) "Selling price" has the same meaning as in RCW 82.08.010, except that when product is sold under circumstances where the total amount of consideration paid for the product is not indicative of its true value, "selling price" means the true value of the product sold.

~~((d))~~ (c) "Product" means cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products.

~~((e))~~ (d) "True value" means market value based on sales at comparable locations in this state of the same or similar product of like quality and character sold under comparable conditions of sale to comparable purchasers. However, in the absence of such sales of the same or similar product, true value means the value of the product sold as determined by all of the seller's direct and indirect costs attributable to the product.

~~((5))~~ (6) (a) The board must regularly review the tax level established under this section and make recommendations, in consultation with the department of revenue, to the legislature as appropriate regarding adjustments that would further the goal of discouraging use while undercutting illegal market prices.

(b) The board must report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature every two years. The report at a minimum must include the following:

(i) The specific recommendations required under (a) of this subsection;

(ii) A comparison of gross sales and tax collections prior to and after any cannabis tax change;

(iii) The increase or decrease in the volume of legal cannabis sold prior to and after any cannabis tax change;

(iv) Increases or decreases in the number of licensed cannabis producers, processors, and retailers;

(v) The number of illegal and noncompliant cannabis outlets the board requires to be closed;

(vi) Gross cannabis sales and tax collections in Oregon; and

(vii) The total amount of reported sales and use taxes exempted for qualifying patients. The department of revenue must provide the data of exempt amounts to the board.

(c) The board is not required to report to the legislature as required in (b) of this subsection after January 1, 2025.

~~((6))~~ (7) The legislature does not intend and does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal antitrust laws including, but not limited to, agreements among retailers as to the selling price of any goods sold.

NEW SECTION. Sec. 2. (1) This section is the tax preference performance statement for the tax preference contained in section 1, chapter . . . , Laws of 2024 (section 1 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to ensure medical cannabis products are accessible and affordable for qualifying patients and designated providers.

(4) The joint legislative audit and review committee must include in its review of this tax preference an evaluation of:

(a) Any change in the number of qualifying patients or designated providers;

(b) Any change in the amount, types, or sales of tax-exempt products, as identified in section 1 of this act; and

(c) Any other information the joint legislative audit and review committee deems necessary to evaluate the tax preference in section 1 of this act.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may access any data collected by the department of health or the liquor and cannabis board or any other data collected by the state.

(6) The joint legislative audit and review committee must submit a report of its findings to the legislature by December 1, 2028."

On page 1, line 2 of the title, after "patients;" strike the remainder of the title and insert "amending RCW 69.50.535; and creating a new section."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1453 and advanced the bill, as amended by the Senate, to final passage.

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

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1453, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1453, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers,

Chapman, Cheney, Connors, Corry, Cortes, Couture, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Barnard, Caldier, Chopp, Christian, Davis, Dent, Dye, Graham, Hutchins, Mosbrucker, Schmidt, Senn, Volz and Ybarra

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 1453, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, with the following amendment(s): 1493-S.E AMS ENGR S5448.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative for driving under the influence if the offender:

(a) Does not have a prior conviction under RCW 46.61.520, 46.61.522, 46.61.502(6), or 46.61.504(6); and either

(b) Is convicted of felony driving while under the influence of intoxicating liquor, cannabis, or any drug under RCW 46.61.502(6) (a); or

(c) Is convicted of felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6) (a).

(2) A motion for a special drug offender sentencing alternative for driving under the influence may be made by the court, the offender, or the state if the midpoint of the standard sentence range is 26 months or less. If an offender has a higher midpoint, a motion for a special drug offender sentencing alternative for driving under the influence can only be made by joint agreement of the state and offender.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and:

(a) Impose a sentence equivalent to a prison-based alternative under RCW 9.94A.662, and subject to the same requirements and restrictions as are established in that section, if the low end of the standard sentence range is greater than 24 months; or

(b) Impose a sentence consisting of a residential treatment-based alternative consistent with this section if the low end of the standard sentence range is 24 months or less.

(4) (a) To assist the court in making its determination, the court may order the department to complete either a risk assessment report or a substance use disorder screening report as provided in RCW 9.94A.500, or both.

(b) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:

(i) Whether the offender suffers from a substance use disorder;

(ii) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health; and

(iii) Whether the offender and the community will benefit from the use of the alternative.

(5) An offender who is eligible for a residential treatment-based alternative under this section shall be sentenced as follows:

(a) If necessary, an indeterminate term of confinement of no more than 30 days in a facility operated, licensed, or utilized under contract, by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility;

(b) Treatment in a residential substance use disorder treatment program licensed or certified by the department of health for a period set by the court up to six months with treatment completion and continued care delivered in accordance with rules established by the department of health. In establishing rules pursuant to this subsection, the department of health must consider criteria established by the American society of addiction medicine;

(c) Twenty-four months of partial confinement to consist of 12 months work release followed by 12 months of home detention with electronic monitoring; and

(d) Twelve months of community custody.

(6) (a) During any period of partial confinement or community custody, the court shall impose treatment and other conditions as provided in RCW 9.94A.703 or as the court considers appropriate.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(c) The department shall, within available resources, make substance use disorder assessment and treatment services available to the offender.

(d) An offender sentenced to community custody under subsection (3) (a) of this section as part of the prison-based alternative or under subsection (3) (b) of this section as part of the residential treatment-based alternative may be required to pay \$30 per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.

(7)(a) If the court imposes a sentence under subsection (3)(b) of this section, the treatment provider must send the treatment plan to the court within 30 days of the offender's arrival to the residential substance use disorder treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of treatment and schedule a treatment termination hearing for three months before the expiration of the term of community custody.

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements and recommendations regarding termination from treatment.

(8) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (7) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of partial confinement or community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(9)(a) The court may bring any offender sentenced under subsection (3)(a) or (b) of this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of partial confinement or community custody or order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of partial confinement or community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(c) An offender ordered to serve a term of total confinement under (b) of this subsection shall receive credit for any time previously served in total confinement or residential treatment under this section and shall receive 50 percent credit for any time previously served in partial confinement or community custody under this section.

(10) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program for driving under the influence under this section, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(11) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total or partial confinement.

(12) Costs of examinations and preparing the recommended service delivery plans under a special drug offender sentencing alternative for driving under the influence may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 71.24.580.

**Sec. 2.** RCW 9.94A.030 and 2022 c 231 s 11 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within 880 feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued

certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20)(a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means: (i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one intimate partner by another intimate partner as defined in RCW 10.99.020; or (ii) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one family or household member by another family or household member as defined in RCW 10.99.020.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offender sentencing alternative for driving under the influence" is a sentencing option available to persons convicted of felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6) who are eligible under section 1 of this act.

(23) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((23))~~ (24) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

~~((24))~~ (25) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

~~((25))~~ (26) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((26))~~ (27) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((27))~~ (28) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((28))~~ (29) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((29))~~ (30) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence 24 hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

~~((30))~~ (31) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

~~((31))~~ (32) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((32))~~ (33) "Most serious offense" means any of the following felonies or a felony

attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age 14;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of 14; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was 10 years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition

of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((33))~~ (34) "Nonviolent offense" means an offense which is not a violent offense.

~~((34))~~ (35) "Offender" means a person who has committed a felony established by state law and is 18 years of age or older or is less than 18 years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanant or gross misdemeanant probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((35))~~ (36) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

~~((36))~~ (37) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person 18 years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);  
 (xiv) Malicious Mischief 2 (RCW 9A.48.080);  
 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);  
 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);  
 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);  
 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);  
 (xix) Extortion 1 (RCW 9A.56.120);  
 (xx) Extortion 2 (RCW 9A.56.130);  
 (xxi) Intimidating a Witness (RCW 9A.72.110);  
 (xxii) Tampering with a Witness (RCW 9A.72.120);  
 (xxiii) Reckless Endangerment (RCW 9A.36.050);  
 (xxiv) Coercion (RCW 9A.36.070);  
 (xxv) Harassment (RCW 9A.46.020); or  
 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

~~((37))~~ (38) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((37))~~ (38) (b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or

elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was 16 years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was 18 years of age or older when the offender committed the offense.

~~((38))~~ (39) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

~~((39))~~ (40) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((40))~~ (41) "Public school" has the same meaning as in RCW 28A.150.010.

~~((41))~~ (42) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b)(i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 7.105.450 or former RCW 26.50.110(5).



~~((42))~~ (43) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 RCW, that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

~~((43))~~ (44) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((44))~~ (45) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((45))~~ (46) "Serious traffic offense" means:

(a)(i) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502) ~~((, nonfelony))~~;

(ii) Nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504) ~~((reckless))~~;

(iii) Reckless driving (RCW 46.61.500) ~~((or hit-and-run))~~;

(iv) Negligent driving if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522 while under the influence of intoxicating liquor or any drug (RCW 46.61.5249);

(v) Reckless endangerment if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522 while under the influence of intoxicating liquor or any drug (RCW 9A.36.050); or

(vi) Hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(c) This definition applies for the purpose of a personal driver's license only and does not apply to violations related to

a commercial motor vehicle under RCW 46.25.090.

~~((46))~~ (47) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((47))~~ (48) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((48))~~ (49) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((49))~~ (50) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((50))~~ (51) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((51))~~ (52) "Stranger" means that the victim did not know the offender 24 hours before the offense.

~~((52))~~ (53) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((53))~~ (54) "Transition training" means written and verbal instructions and assistance provided by the department to the

offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((54))~~ (55) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((55))~~ (56) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

~~((56))~~ (57) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

~~((57))~~ (58) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

~~((58))~~ (59) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any

vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((59))~~ (60) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((60))~~ (61) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((61))~~ (62) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 3.** RCW 9.94A.190 and 2018 c 166 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state, or in home detention pursuant to RCW 9.94A.6551 or the graduated reentry program under RCW 9.94A.733. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year,

and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.589.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 or section 1 of this act which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to RCW 9.94A.507 shall be served in a facility or institution operated, or utilized under contract, by the state.

**Sec. 4.** RCW 9.94A.501 and 2021 c 242 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to

register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, 9.94A.711, ~~((or))~~ 9.94A.695, or section 1 of this act;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717.

**Sec. 5.** RCW 9.94A.505 and 2022 c 260 s 23 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;  
 (iii) RCW 9.94A.570, relating to persistent offenders;  
 (iv) RCW 9.94A.540, relating to mandatory minimum terms;  
 (v) RCW 9.94A.650, relating to the first-time offender waiver;  
 (vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;  
 (vii) Section 1 of this act, relating to the drug offender sentencing alternative for driving under the influence;  
 (viii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;  
 ((~~viii~~)) (ix) RCW 9.94A.655, relating to the parenting sentencing alternative;  
 ((~~ix~~)) (x) RCW 9.94A.695, relating to the mental health sentencing alternative;  
 ((~~x~~)) (xi) RCW 9.94A.507, relating to certain sex offenses;  
 ((~~xi~~)) (xii) RCW 9.94A.535, relating to exceptional sentences;  
 ((~~xii~~)) (xiii) RCW 9.94A.589, relating to consecutive and concurrent sentences;  
 ((~~xiii~~)) (xiv) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;  
 ((~~xiv~~)) (xv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of 30 days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than 30 days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, and 9.94A.760.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to

sentencing if the offender was convicted of one of the following offenses:

- (a) A violent offense;
- (b) Any sex offense;
- (c) Any drug offense;
- (d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;
- (e) Assault in the third degree as defined in RCW 9A.36.031;
- (f) Assault of a child in the third degree;
- (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
- (h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

**Sec. 6.** RCW 9.94A.525 and 2023 c 415 s 2 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1)(a) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(b) For the purposes of this section, adjudications of guilt pursuant to Title 13 RCW which are not murder in the first or second degree or class A felony sex offenses may not be included in the offender score.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ((ten)) 10 consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment)

pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ~~(ten)~~ 10 consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both prior adult convictions and prior juvenile adjudications.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Neither out-of-state or federal convictions which would have been presumptively adjudicated in juvenile court under Washington law may be included in the offender score unless they are comparable to murder in the first or second degree or a class A felony sex offense. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the

same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all convictions or adjudications served concurrently as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction which is scorable under subsection (1)(b) of this section.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult violent felony conviction and juvenile violent felony conviction which is scorable under subsection (1)(b) of this section, and one point for each prior adult nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult convictions and juvenile convictions which are scorable under subsection (1)(b) of this section for crimes in this category, two points for each prior adult and scorable juvenile violent conviction (not already counted), and one point for each prior adult nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however

count two points for each prior Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which is scorable under subsection (1)(b) of this section; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which is scorable under subsection (1)(b) of this section; count one point for each adult prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug; count one point for a deferred prosecution granted under chapter 10.05 RCW for a second or subsequent violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which would be scorable under subsection (1)(b) of this section; count one point for each adult prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction. All other felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only adult prior escape convictions in the offender score. Count prior escape convictions as one point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions which are scorable under subsection (1)(b) of this section as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each prior Burglary 1 conviction, and two points for each prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of

this section; however, count three points for each adult prior sex offense conviction and juvenile prior class A felony sex offense adjudication.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however, count three points for each adult prior sex offense conviction and juvenile prior sex offense conviction which is scorable under subsection (1)(b) of this section, excluding adult prior convictions for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order (RCW 7.105.450 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal

Mistreatment in the second degree, RCW 9A.42.030; and

(c) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

**Sec. 7.** RCW 9.94A.633 and 2021 c 242 s 4 are each amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned by the court with up to ~~((sixty))~~ 60 days' confinement for each violation or by the department with up to ~~((thirty))~~ 30 days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence set out in section 1 of this act, the offender may be sanctioned in accordance with that section.

(d) If the offender was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the offender may be sanctioned in accordance with that section.

~~((+d))~~ (e) If the offender was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the

offender committed to serve the original sentence of confinement.

~~((+e))~~ (f) If the offender was sentenced under the mental health sentencing alternative set out in RCW 9.94A.695, the offender may be sanctioned in accordance with that section.

~~((+f))~~ (g) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

~~((+g))~~ (h) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) The parole or probation of an offender who is charged with a new felony offense may be suspended and the offender placed in total confinement pending disposition of the new criminal charges if:

(a) The offender is on parole pursuant to RCW 9.95.110(1); or

(b) The offender is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

**Sec. 8.** RCW 9.94A.6332 and 2021 c 242 s 5 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence, any sanctions shall be imposed by the department or the court pursuant to section 1 of this act.

(3) If the offender was sentenced under the special sex offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

~~((+3))~~ (4) If the offender was sentenced under the parenting sentencing alternative, any sanctions shall be imposed by the department or by the court pursuant to RCW 9.94A.655.

~~((+4))~~ (5) If the offender was sentenced under the mental health sentencing alternative, any sanctions shall be imposed

by the department or the court pursuant to RCW 9.94A.695.

~~((5))~~ (6) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((6))~~ (7) If the offender was released pursuant to RCW 9.94A.730, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((7))~~ (8) If the offender was sentenced pursuant to RCW 10.95.030 ~~((3))~~ (2) or 10.95.035, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((8))~~ (9) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

~~((9))~~ (10) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

**Sec. 9.** RCW 9.94A.660 and 2021 c 215 s 102 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense for which the offender is currently or may be required to register pursuant to RCW 9A.44.130;

(d) The offender has no prior convictions in this state, and no prior convictions for an equivalent out-of-state or federal offense, for the following offenses during the following time frames:

(i) Robbery in the second degree that did not involve the use of a firearm and was not reduced from robbery in the first degree within seven years before conviction of the current offense; or

(ii) Any other violent offense within ~~((ten))~~ 10 years before conviction of the current offense;

(e) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(f) The offender has not been found by the United States attorney general to be

subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and

(g) The offender has not received a drug offender sentencing alternative under this section, or a drug offender sentencing alternative for driving under the influence under section 1 of this act, more than once in the prior ~~((ten))~~ 10 years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential substance use disorder treatment-based alternative under RCW 9.94A.664. The residential substance use disorder treatment-based alternative is only available if the midpoint of the standard sentence range is ~~((twenty-six))~~ 26 months or less.

(4) (a) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a substance use disorder screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

(5) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination must be performed by an agency licensed or certified by the department of health to provide substance use disorder services. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from a substance use disorder;

(b) ~~((Whether the substance use disorder is such that there is a probability that criminal behavior will occur in the future;~~

~~((e)))~~ Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health, and where applicable, whether effective domestic violence perpetrator treatment is available from a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735; and

~~((d))~~ (c) Whether the offender and the community will benefit from the use of the alternative.

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay ~~((thirty~~



~~dollars~~) \$30 per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for time previously served in total or partial confinement and inpatient treatment under this section, and shall receive ~~((fifty))~~ 50 percent credit for time previously served in community custody under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) The Washington state institute for public policy shall submit a report to the governor and the appropriate committees of the legislature by November 1, 2022, analyzing the effectiveness of the drug offender sentencing alternative in reducing recidivism among various offender populations. An additional report is due November 1, 2028, and every five years thereafter. The Washington state institute for public policy may coordinate with the department and the caseload forecast council in tracking data and preparing the report.

**Sec. 10.** RCW 9.94A.701 and 2021 c 242 s 6 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody for three years:

(a) A sex offense not sentenced under RCW 9.94A.507; or

(b) A serious violent offense.

(2) A court shall, in addition to the other terms of the sentence, sentence an

offender to community custody for ~~((eighteen))~~ 18 months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.

(3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:

(a) Any crime against persons under RCW 9.94A.411(2);

(b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate;

(c) A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000; or

(d) A felony violation of RCW 9A.44.132(1) (failure to register) that is the offender's first violation for a felony failure to register.

(4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in:

(a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender sentencing alternative;

(b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug offender sentencing alternative;

(c) RCW 9.94A.662 and section 1(6) of this act for a prison-based drug offender sentencing alternative for driving under the influence; and

(d) Section 1 (5) and (6) of this act for a residential-based drug offender sentencing alternative for driving under the influence.

(5) If an offender is sentenced under the special sex offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

(6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

(7) If an offender is sentenced under the parenting sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.655.

(8) If the offender is sentenced under the mental health sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.695.

(9) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.

(10) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard sentence range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.

**Sec. 11.** RCW 10.05.010 and 2019 c 263 s 701 are each amended to read as follows:

(1) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution ~~((program))~~. The petition shall be filed with the court at least seven days before

the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial. A person charged with a misdemeanor or gross misdemeanor shall not be eligible for a deferred prosecution unless the court makes specific findings pursuant to RCW 10.05.020.

(2) ~~A person charged with a ((traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, or a misdemeanor or gross misdemeanor domestic violence offense,)) violation of RCW 46.61.502 or 46.61.504 shall not be eligible for a deferred prosecution ((program)) unless the court makes specific findings pursuant to RCW 10.05.020. A person ((may not participate in a deferred prosecution program for a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW if he or she has participated in a deferred prosecution program for a prior traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, and a person may not participate in a deferred prosecution program for a misdemeanor or gross misdemeanor domestic violence offense if he or she has participated in a deferred prosecution program for a prior domestic violence offense)) who petitions the court for the deferred prosecution and participates in the deferred prosecution under this chapter for his or her first violation of RCW 46.61.502 or 46.61.504 is eligible to petition the court for a second deferred prosecution for the person's next violation of RCW 46.61.502 or 46.61.504 when the person has no other prior convictions defined as a "prior offense" under RCW 46.61.5055. The person's first deferred prosecution shall not be considered a prior offense for the purpose of granting a second deferred prosecution. Separate offenses committed more than seven days apart may not be consolidated in a single program.~~

(3) A person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution ((program)) unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution ((program)) more than once.

(4) A person is not eligible for a deferred prosecution ((program)) if the misdemeanor or gross misdemeanor domestic violence offense was originally charged as a felony offense in superior court.

(5) A person may petition a court for a second deferred prosecution while still under the jurisdiction of a court for the person's first deferred prosecution; however, the first deferred prosecution shall be revoked prior to the entry of the second deferred prosecution.

(6) A person may not be on two deferred prosecutions at the same time unless separate offenses are committed within seven days of each other and the person petitions to consolidate each offense into a single deferred prosecution.

(7) A person charged with a misdemeanor or gross misdemeanor for a violation of RCW 46.61.502 or 46.61.504 who does not participate in a deferred prosecution for his or her first violation of RCW 46.61.502 or 46.61.504 remains eligible to petition the court for a deferred prosecution pursuant to the terms of this section and specific findings made under RCW 10.05.020. Such person shall not be eligible for a deferred prosecution more than once.

**Sec. 12.** RCW 10.05.015 and 2019 c 263 s 702 are each amended to read as follows:

At the time of arraignment a person charged with a violation of RCW 46.61.502 or 46.61.504 or a misdemeanor or gross misdemeanor domestic violence offense may be given a statement by the court that explains the availability, operation, and effects of the deferred prosecution ((program)).

**Sec. 13.** RCW 10.05.020 and 2021 c 215 s 115 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by substance use disorders or mental ((problems)) health disorders or domestic violence behavior problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved ((substance use disorder treatment program)) behavioral health agency, approved for mental health services or substance use disorder services, as designated in chapter 71.24 RCW ((if the petition alleges a substance use disorder, by an approved mental health center if the petition alleges a mental problem,)) or by a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735 ((if the petition alleges a domestic violence behavior problem)).

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of ((social and health services)) children, youth, and families to develop a plan to receive appropriate child

welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of ~~((social and health services))~~ children, youth, and families.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an acknowledgment and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges; (ii) sincerely believes that he or she does not, in fact, suffer from ~~((alcoholism, drug addiction, mental problems))~~ a substance use disorder, a mental health disorder, or domestic violence behavior problems; or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

**Sec. 14.** RCW 10.05.030 and 2023 c 102 s 17 are each amended to read as follows:

The arrainging judge upon consideration of the petition may continue the arraignment

and refer such person for a diagnostic investigation and evaluation to:

(1) ~~((An approved substance use disorder treatment program))~~ A state-approved behavioral health agency, approved for substance use disorder services, as designated in chapter 71.24 RCW if the petition alleges a substance use disorder;

(2) ~~((An approved mental health center))~~ A state-approved behavioral health agency, approved for mental health services, as designated in chapter 71.24 RCW, if the petition alleges a mental ~~((problem))~~ health disorder;

(3) The department of ~~((social and health services))~~ children, youth, and families if the petition is brought under RCW 10.05.020(2); or

(4) An approved state-certified domestic violence treatment provider pursuant to RCW 43.20A.735 if the petition alleges a domestic violence behavior problem.

**Sec. 15.** RCW 10.05.040 and 2018 c 201 s 9005 are each amended to read as follows:

The program to which such person is referred, or the department of ~~((social and health services))~~ children, youth, and families if the petition is brought under RCW 10.05.020(2), shall conduct an investigation and examination to determine:

(1) Whether the person suffers from the problem described;

(2) Whether the problem is such that if not treated, or if no child welfare services are provided, there is a probability that similar misconduct will occur in the future;

(3) Whether extensive and long term treatment is required;

(4) Whether effective treatment or child welfare services for the person's problem are available; and

(5) Whether the person is ~~((amenable))~~:  
(a) Amenable to treatment as demonstrated by (i) completion of residential treatment; (ii) completion of a minimum of 18 hours of intensive outpatient treatment, for substance use disorder petitions; (iii) completion of a minimum of six mental health sessions, for mental health disorder petitions; or (iv) completion of a minimum of six domestic violence treatment sessions for domestic violence petitions; or (b) willing to cooperate with child welfare services. The requirement for completing a minimum number of sessions may be waived if the court finds good cause.

**Sec. 16.** RCW 10.05.050 and 2018 c 201 s 9006 are each amended to read as follows:

(1) The program, or the department of ~~((social and health services))~~ children, youth, and families if the petition is brought under RCW 10.05.020(2), shall make a written report to the court stating its findings and recommendations after the examination required by RCW 10.05.040. If its findings and recommendations support treatment or the implementation of a child welfare service plan, it shall also recommend a treatment or service plan setting out:

- (a) The type;
- (b) Nature;
- (c) Length;

(d) A treatment or service time schedule; and

(e) Approximate cost of the treatment or child welfare services.

(2) In the case of a child welfare service plan, the plan shall be designed in a manner so that a parent who successfully completes the plan will not be likely to withhold the basic necessities of life from his or her child.

(3) The report with the treatment or service plan shall be filed with the court and a copy given to the petitioner and petitioner's counsel. A copy of the treatment or service plan shall be given to the prosecutor by petitioner's counsel at the request of the prosecutor. The evaluation facility, or the department of ~~((social and health services))~~ children, youth, and families if the petition is brought under RCW 10.05.020(2), making the written report shall append to the report a commitment by the treatment program or the department of ~~((social and health services))~~ children, youth, and families that it will provide the treatment or child welfare services in accordance with this chapter. The facility or the service provider shall agree to provide the court with a statement ~~((every three months for the first year and every six months for the second year))~~ monthly regarding (a) the petitioner's cooperation with the treatment or child welfare service plan proposed and (b) the petitioner's progress or failure in treatment or child welfare services. These statements shall be made as a declaration by the person who is personally responsible for providing the treatment or services.

**Sec. 17.** RCW 10.05.060 and 2009 c 135 s 1 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be filed with the court. If the charge be one that an abstract of the docket showing the charge, the date of the violation for which the charge was made, and the date of petitioner's acceptance is required to be sent to the department of licensing, an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. Upon receipt of the abstract of the docket, the department shall issue notice that 45 days after receipt, the petitioner must apply for a probationary license in accordance with RCW 46.20.355, and the petitioner's driver's license shall be on probationary status for five years from the date of the violation that gave rise to the charge. The department shall maintain the record ((for ten years from date of entry of the order granting

deferred prosecution)) consistent with the requirements of RCW 46.01.260.

**Sec. 18.** RCW 10.05.090 and 2010 c 269 s 10 are each amended to read as follows:

If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan or any term or condition imposed in connection with the installation of an interlock or other device under RCW 46.20.720, the facility, center, institution, or agency administering the treatment or the entity administering the use of the device, shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the petitioner should be removed from the deferred prosecution ~~((program))~~. At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan or device installation and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment.

**Sec. 19.** RCW 10.05.100 and 1998 c 208 s 2 are each amended to read as follows:

If a petitioner is subsequently convicted of a similar offense that was committed while the petitioner was in a deferred prosecution ~~((program))~~, upon notice the court shall remove the petitioner's docket from the deferred prosecution file and the court shall enter judgment pursuant to RCW 10.05.020.

**Sec. 20.** RCW 10.05.120 and 2019 c 263 s 705 are each amended to read as follows:

(1) Three years after receiving proof of successful completion of the ~~((two-year))~~ approved treatment ~~((program))~~ plan, and following proof to the court that the petitioner has complied with the conditions imposed by the court following successful completion of the ~~((two-year))~~ approved treatment ~~((program))~~ plan, but not before five years following entry of the order of deferred prosecution pursuant to a petition brought under RCW 10.05.020(1), the court shall dismiss the charges pending against the petitioner.

(2) When a deferred prosecution is ordered pursuant to a petition brought under RCW 10.05.020(2) and the court has received proof that the petitioner has successfully completed the child welfare service plan, or the plan has been terminated because the alleged victim has reached his or her majority and there are no other minor

children in the home, the court shall dismiss the charges pending against the petitioner: PROVIDED, That in any case where the petitioner's parental rights have been terminated with regard to the alleged victim due to abuse or neglect that occurred during the pendency of the deferred prosecution, the termination shall be per se evidence that the petitioner did not successfully complete the child welfare service plan.

~~((3) When a deferred prosecution is ordered for a petition brought under RCW 10.05.020(1) involving a domestic violence behavior problem and the court has received proof that the petitioner has successfully completed the domestic violence treatment plan, the court shall dismiss the charges pending against the petitioner.))~~

**Sec. 21.** RCW 10.05.140 and 2019 c 263 s 706 are each amended to read as follows:

(1) As a condition of granting a deferred prosecution petition for a violation of RCW 46.61.502 or 46.61.504, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any ~~((alcohol-dependency))~~ substance use disorder-based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720. As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for ~~((alcoholism or drugs))~~ substance use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution ~~((program))~~ upon violation of the deferred prosecution order.

(2) As a condition of granting a deferred prosecution petition for a case involving a domestic violence behavior problem:

(a) The court shall order the petitioner not to possess firearms and order the petitioner to surrender firearms under RCW 9.41.800; and

(b) The court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. In addition, to help ensure continued sobriety and reduce the likelihood of reoffense in co-occurring domestic violence and substance ~~((abuse))~~ use disorder or mental health disorder cases, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for ~~((alcoholism or drugs))~~ substance

use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution ~~((program))~~ upon violation of the deferred prosecution order.

**Sec. 22.** RCW 10.05.150 and 2016 sp.s. c 29 s 527 are each amended to read as follows:

(1) A deferred prosecution ~~((program))~~ for ~~((alcoholism))~~ either substance use disorder or mental health co-occurring disorder shall be for a two-year period and shall include, but not be limited to, the following requirements:

~~((1))~~ (a) Total abstinence from alcohol and all other nonprescribed mind-altering drugs;

~~((2))~~ Participation in an intensive inpatient or intensive outpatient program in a state-approved substance use disorder treatment program;

(3) Participation in a minimum of two meetings per week of an alcoholism self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program;

(4) Participation in an alcoholism self-help recovery support group, as determined by the assessing agency, from the date of court approval of the plan to entry into intensive treatment;

(5) Not less than weekly approved outpatient counseling, group or individual, for a minimum of six months following the intensive phase of treatment;

(6) Not less than monthly outpatient contact, group or individual, for the remainder of the two-year deferred prosecution period;

(7) The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician;

~~((8))~~ (b) All treatment within the purview of this section shall occur within or be approved by a state-approved ~~((substance use disorder treatment program))~~ behavioral health agency as described in chapter ~~((70.96A))~~ 71.24 RCW;

~~((9))~~ (c) Signature of the petitioner agreeing to the terms and conditions of the treatment program;

(d) Periodic, random urinalysis or breath analysis;

(e) If the petitioner fails to remain abstinent, a full substance use disorder reassessment and recommended treatment;

(f) No less than weekly approved outpatient counseling, whether group or individual, for a minimum of six months following the intensive phase of treatment;

(g) No less than monthly outpatient contact, whether group or individual, for the remainder of the two-year deferred prosecution period; and

(h) The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician.

(2) A deferred prosecution for substance use disorder shall include the following requirements:

(a) Completion of an intensive outpatient treatment program or residential inpatient treatment program, depending on the severity of the diagnosis; and

(b) Participation in a minimum of two meetings per week of a substance use disorder self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program.

(3) A deferred prosecution for mental health co-occurring disorder shall include the following requirements:

(a) Completion of the requirements described in subsection (2) of this section, or completion of an outpatient program as determined by the petitioner's diagnostic evaluation; and

(b) Completion of individual or group mental health services.

**Sec. 23.** RCW 10.05.155 and 2019 c 263 s 708 are each amended to read as follows:

A deferred prosecution (~~(program)~~) for domestic violence behavior, or domestic violence co-occurring with substance abuse or mental health, must include, but is not limited to, the following requirements:

(1) Completion of a risk assessment;

(2) Participation in the level of treatment recommended by the program as outlined in the current treatment plan;

(3) Compliance with the contract for treatment;

(4) Participation in any ancillary or co-occurring treatments that are determined to be necessary for the successful completion of the domestic violence intervention treatment including, but not limited to, mental health or substance use treatment;

(5) Domestic violence intervention treatment within the purview of this section to be completed with a state-certified domestic violence intervention treatment program;

(6) Signature of the petitioner agreeing to the terms and conditions of the treatment program;

(7) Proof of compliance with any active order to surrender weapons issued in this program or related civil protection orders or no-contact orders.

**NEW SECTION. Sec. 24.** A new section is added to chapter 10.05 RCW to read as follows:

A deferred prosecution for mental health disorder where the wrongful conduct did not involve, and was not caused by, alcohol, drugs, or a substance use disorder, shall include treatment recommended by a state-approved mental health provider.

**Sec. 25.** RCW 10.05.170 and 1991 c 247 s 2 are each amended to read as follows:

As a condition of granting deferred prosecution, the court may order supervision of the petitioner during the period of deferral and may levy a monthly assessment upon the petitioner as provided in RCW 10.64.120. In a jurisdiction with a probation department, the court may appoint

the probation department to supervise the petitioner. In a jurisdiction without a probation department, the court may appoint an appropriate person or agency to supervise the petitioner. A supervisor appointed under this section shall be required to do at least the following:

(1) If the charge for which deferral is granted relates to operation of a motor vehicle, at least once every ~~((six))~~ three months request ~~((from the department of licensing))~~ an abstract of the petitioner's driving record; ~~((and))~~

(2) At least once every month make contact with the petitioner ~~((or with any agency to which the petitioner has been directed for treatment as a part of the deferral))~~ until treatment is completed;

(3) Review the petitioner's criminal history at a minimum of every 90 days until the end of the deferral period; and

(4) Report known violations of supervision or law and noncompliance with conditions of the deferred prosecution to the court within five business days or as soon as practicable.

**Sec. 26.** RCW 46.20.355 and 2020 c 330 s 8 are each amended to read as follows:

(1) Upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504, the department of licensing shall issue notice that 45 days after receipt, the person must apply for a probationary license, and order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession. ((The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.))

(2) The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 or 46.61.5055 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-

year probationary status period imposed under subsection (2) of this section.

(4) If a person is eligible for full credit under RCW 46.61.5055(9)(b)(ii) and, by the date specified in the notice issued under RCW 46.20.245, has completed the requirements under RCW 46.20.311 and paid the fee under subsection (5) of this section, the department shall issue a probationary license on the date specified in the notice with no further action required of the person.

(5) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of ~~((fifty dollars))~~ \$50 in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the requirement to obtain an additional probationary license and the ~~((fifty-dollar))~~ \$50 fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

(6) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

**Sec. 27.** RCW 46.20.385 and 2020 c 330 s 9 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1)(b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1)(a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or has had his or her license suspended, revoked, or denied under RCW 46.61.5055(11)(c)(i), or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this

section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty-one dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional fee to the department, except that the company may retain ~~((twenty-five))~~ 25 cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the twenty-one dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

**Sec. 28.** RCW 46.20.720 and 2020 c 330 s 10 are each amended to read as follows:

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of mandatory suspension, revocation, or denial of driving privileges, or upon fulfillment of day-for-day credit under RCW 46.61.5055(9)(b)(ii) for a suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific alcohol set point at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) **Alcohol set point.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall have an alcohol set point that prevents the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.020 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ~~((ten))~~ 10 years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while one or



more passengers under the age of ~~((sixteen))16~~ were in the vehicle shall be extended for an additional period as required by RCW 46.61.5055(6) (a).

For purposes of determining a period of restriction for a person restricted pursuant to a conviction under (d) of this subsection, a restriction based on a deferred prosecution under subsection (1)(c) of this section arising out of the same incident is not considered a prior restriction for purposes of this subsection.

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) The period of restriction under (c) or (d) of this subsection shall be extended by ~~((one hundred eighty))180~~ days whenever the department receives notice that the restricted person has been convicted under RCW 46.20.740 or 46.20.750. If the period of restriction under (c) or (d) of this subsection has been fulfilled and cannot be extended, the department must add a new ~~((one hundred eighty day))180-day~~ restriction that is imposed from the date of conviction and is subject to the requirements for removal under subsection (4) of this section.

(f) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

(g) The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. For all drivers restricted under this section with incidents and restriction start dates prior to June 9, 2016, a driver may apply to waive the restriction by applying for a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) **Requirements for removal.** A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying the following:

(a) That there have been none of the following incidents in the ~~((one hundred eighty))180~~ consecutive days prior to the date of release:

(i) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ~~((ten))10~~ minutes registers a breath alcohol concentration lower than 0.04 and

the digital image confirms the same person provided both samples;

(ii) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(iii) Failure to pass any random retest with a breath alcohol concentration of lower than 0.020 unless a subsequent test performed within ~~((ten))10~~ minutes registers a breath alcohol concentration lower than 0.020, and the digital image confirms the same person provided both samples;

(iv) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device; or

(v) Removal of the ignition interlock device by a person other than an ignition interlock technician certified by the Washington state patrol; and

(b) That the ignition interlock device was inspected at the conclusion of the ~~((one hundred eighty day))180-day~~ period by an ignition interlock technician certified by the Washington state patrol and no evidence was found that the device was tampered with in the manner described in RCW 46.20.750.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to chapter 5.50 RCW from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours. When the

department receives a declaration under this subsection, it shall attach or imprint a notation on the person's driving record stating that the employer exemption applies.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(c) The employer exemption does not apply to a person who is self-employed unless the person's vehicle is used exclusively for the person's employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of ~~((twenty-one dollars))~~ \$21 per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain ~~((twenty-five))~~ 25 cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive one or more requirements for removal under subsection (4) of this section if compliance with the requirement or requirements would be impractical in the case of a person residing in another jurisdiction, provided the person is in compliance with any equivalent requirement of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

**Sec. 29.** RCW 46.20.740 and 2020 c 330 s 11 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720, 46.61.5055, or 10.05.140 stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or

driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving. Any time a person is convicted under this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e). It is an affirmative defense, which the defendant must prove by a preponderance of the evidence, that the employer exemption in RCW 46.20.720(6) applies. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(3) Any sentence imposed for a violation of subsection (2) of this section shall be served consecutively with any sentence imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

**Sec. 30.** RCW 46.61.502 and 2022 c 16 s 40 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor, cannabis, or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after driving, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor, cannabis, or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor, cannabis, and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial

hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of cannabis after the time of driving and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by cannabis in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class B felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~((ten))~~ 15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.504(6).

**Sec. 31.** RCW 46.61.5055 and 2020 c 330 s 15 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person

whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((twenty-four))~~ 24 consecutive hours nor more than ~~((three hundred sixty-four))~~ 364 days. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court, in its discretion, may order not less than ~~((fifteen))~~ 15 days of electronic home monitoring or a ~~((ninety-day))~~ 90-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((three hundred fifty dollars))~~ \$350 nor more than ~~((five thousand dollars))~~ \$5,000. ~~((Three hundred fifty dollars))~~ \$350 of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((forty-eight))~~ 48 consecutive hours nor more than ~~((three hundred sixty-four))~~ 364 days. In lieu of the mandatory minimum term of imprisonment required under this subsection

(1)(b)(i), the court, in its discretion, may order not less than ~~((thirty))~~ 30 days of electronic home monitoring or a ~~((one hundred twenty-day))~~ 120-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((five hundred dollars))~~ \$500 nor more than ~~((five thousand dollars))~~ \$5,000. ~~((Five hundred dollars))~~ \$500 of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a

violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((thirty))30~~ days nor more than ~~((three hundred sixty-four))364~~ days and ~~((sixty))60~~ days of electronic home monitoring. Thirty days of imprisonment and ~~((sixty))60~~ days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of either ~~((one hundred eighty))180~~ days of electronic home monitoring or a ~~((one hundred twenty-day))120-day~~ period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((five hundred dollars))\$500~~ nor more than ~~((five thousand dollars))\$5,000~~. ~~((Five hundred dollars))\$500~~ of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((forty-five))45~~ days nor more than ~~((three hundred sixty-four))364~~ days and ~~((ninety))90~~ days of electronic home monitoring. Forty-five days of imprisonment and ~~((ninety))90~~ days of electronic home monitoring may not be suspended or converted

unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a minimum of either six months of electronic home monitoring or a ~~((one hundred twenty-day))120-day~~ period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((seven hundred fifty dollars))\$750~~ nor more than ~~((five thousand dollars))\$5,000~~. ~~((Seven hundred fifty dollars))\$750~~ of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((ninety))90~~ days nor more than ~~((three hundred sixty-four))364~~ days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and ~~((one hundred twenty))120~~ days of electronic home monitoring. Ninety days of imprisonment and ~~((one hundred twenty))120~~ days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-

being, in lieu of the mandatory minimum term of ~~((ninety))90~~ days of imprisonment and ~~((one hundred twenty))120~~ days of electronic home monitoring, the court may order ~~((three hundred sixty))360~~ days of electronic home monitoring or a ~~((three hundred sixty-day))360-day~~ period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((one thousand dollars))\$1,000~~ nor more than ~~((five thousand dollars))\$5,000~~. ~~((One thousand dollars))\$1,000~~ of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ~~((one hundred twenty))120~~ days nor more than ~~((three hundred sixty-four))364~~ days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and ~~((one hundred fifty))150~~ days of electronic home monitoring. One hundred twenty days of imprisonment and ~~((one hundred fifty))150~~ days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ~~((one hundred twenty))120~~ days of imprisonment and ~~((one hundred fifty))150~~ days of electronic home monitoring, the court may order ~~((three hundred sixty))360~~ days of electronic home monitoring or a ~~((three hundred sixty-day))360-day~~ period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The offender shall pay for the cost of the electronic monitoring. The court shall order

an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ~~((one thousand five hundred dollars))\$1,500~~ nor more than ~~((five thousand dollars))\$5,000~~. ~~((One thousand five hundred))\$1,500~~ dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in ~~((ten))15~~ years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within ~~((ten))15~~ years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while one or more passengers under the age of ~~((sixteen))~~16 were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional ~~((twelve))~~12 months for each passenger under the age of ~~((sixteen))~~16 when the person is subject to the penalties under subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional ~~((eighteen))~~18 months for each passenger under the age of ~~((sixteen))~~16 when the person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ~~((twenty-four))~~24 hours of imprisonment to be served consecutively for each passenger under the age of ~~((sixteen))~~16, and a fine of not less than ~~((one thousand dollars))~~\$1,000 and not more than ~~((five thousand dollars))~~\$5,000 for each passenger under the age of ~~((sixteen))~~16. ~~((One thousand dollars))~~\$1,000 of the fine for each passenger under the age of ~~((sixteen))~~16 may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of ~~((sixteen))~~16, and a fine of not less than ~~((two thousand dollars))~~\$2,000 and not more than ~~((five thousand dollars))~~\$5,000 for each passenger under the age of ~~((sixteen))~~16. One thousand dollars of the fine for each passenger under the age of ~~((sixteen))~~16 may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of ~~((sixteen))~~16, and a fine of not less than ~~((three thousand dollars))~~\$3,000 and not more than ~~((ten thousand dollars))~~\$10,000 for each passenger under the age of ~~((sixteen))~~16. ~~((One thousand dollars))~~\$1,000 of the fine for each passenger under the age of ~~((sixteen))~~16 may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of ~~((forty-five))~~45 miles per hour or greater; and

(d) Whether a child passenger under the age of ~~((sixteen))~~16 was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the substance use disorder assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** (a) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(i) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(A) Where there has been no prior offense within seven years, be suspended or denied by the department for ~~((ninety))~~90 days or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ~~((ninety-day))~~90-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(ii) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(A) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for ~~((nine hundred))~~900 days; or

(C) Where there have been two or more prior offenses within seven years, be

revoked or denied by the department for four years; or

(iii) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(A) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(C) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

(b) (i) The department shall grant credit on a day-for-day basis for a suspension, revocation, or denial imposed under this subsection (9) for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 arising out of the same incident.

(ii) If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

(c) Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

(d) Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

(e) For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to ~~((three hundred sixty-four))~~ 364 days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, substance use disorder treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a) (i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for ~~((thirty))~~ 30 days, which shall not be suspended or deferred.

(c) ~~((For))~~ (i) Except as provided in (c) (ii) of this subsection, for each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for ~~((thirty))~~ 30 days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by ~~((thirty))~~ 30 days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection. The person may apply for an ignition interlock driver's license under RCW 46.20.385 during the suspension period.

(ii) For each incident involving a violation of RCW 46.20.342(1)(c), the court has discretion not to impose a suspension when the person provides the court with proof that the violation has been cured within 30 days. The court is not required to notify the department of the violation unless it is not cured within 30 days.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed (~~three hundred sixty-four~~) 364 days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed (~~three hundred sixty-four~~) 364 days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1) (c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge

that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a) (i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;



If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ~~((ten))~~15 years" means that the arrest for a prior offense occurred within ~~((ten))~~15 years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

**Sec. 32.** RCW 46.61.504 and 2022 c 16 s 42 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after being in actual physical control of a vehicle, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section and it is an affirmative defense to any action pursuant to RCW 46.20.308 to suspend, revoke, or deny the privilege to drive if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of

the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of cannabis after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after being in control of the vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in control of the vehicle, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by cannabis in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ~~((ten))~~15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.502(6).

**NEW SECTION. Sec. 33.** A new section is added to chapter 46.61 RCW to read as follows:

(1) Any law enforcement agency utilizing oral fluid roadside information as part of the enforcement of driving under the influence laws must ensure the following:

(a) The oral fluid test instrument or instruments to be used are valid and reliable;

(b) Any peace officer who may administer an oral fluid test is properly trained in the administration of the test;

(c) Prior to administering the test, the administering peace officer advises the subject of the following information:

(i) The test is voluntary, and does not constitute compliance with the implied consent requirement of RCW 46.20.308;

(ii) Test results may not be used against the person in a court of law; and

(iii) Submission to the test is not an alternative to any evidentiary breath or blood test; and

(d) The law enforcement agency establishes policies to protect personally identifying information from unnecessary and improper dissemination including, but not limited to:

(i) Destruction of biological samples from oral fluid tests as soon as practicable after collection of test results; and

(ii) Prohibitions against entering DNA samples or results from such tests into any database.

(2) Any law enforcement agency administering an oral fluid roadside test as authorized in this section or section 1 of this act is strictly liable for (a) any failure to destroy biological samples from such tests within 24 hours or (b) unlawful entry of DNA samples or results from such tests into any database.

NEW SECTION. **Sec. 34.** 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. 35.** This act takes effect January 1, 2026."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.190, 9.94A.501, 9.94A.505, 9.94A.525, 9.94A.633, 9.94A.6332, 9.94A.660, 9.94A.701, 10.05.010, 10.05.015, 10.05.020, 10.05.030, 10.05.040, 10.05.050, 10.05.060, 10.05.090, 10.05.100, 10.05.120, 10.05.140, 10.05.150, 10.05.155, 10.05.170, 46.20.355, 46.20.385, 46.20.720, 46.20.740, 46.61.502, 46.61.5055, and 46.61.504; adding a new section to chapter 9.94A RCW; adding a new section to chapter 10.05 RCW; adding a new section to chapter 46.61 RCW; providing an effective date; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493 and advanced the bill, as amended by the Senate, to final passage.

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

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1493, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1493, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 69; Nays, 27; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, Wylie and Mmc. Speaker

Voting Nay: Representatives Abbarno, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Eslick, Goehner, Graham, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Orcutt, Robertson, Rude, Sandlin, Steele, Volz, Walsh, Waters and Ybarra

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mmc. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1899, with the following amendment(s): 1899-S2.E AMS WM S5568.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** In recent years, devastating wildfires have destroyed homes, businesses, and infrastructure. These wildfires have become more frequent and more destructive due to the effects of climate change. Since the original construction of many of the lost structures, technological advances have made possible more energy efficient buildings, greater use of electric vehicles, and more opportunities to utilize solar energy. The insurance coverage for the destroyed structures, however, may not cover reconstruction utilizing new methods and technologies. As a result, many buildings may be rebuilt in less efficient ways that require greater use of greenhouse gases. These greenhouse gases, in turn, will exacerbate the threat of wildfires.

It is the intent of the legislature to assist in disrupting this cycle. By making disaster relief payments available to local governments, businesses, and individuals to repair or replace damaged or destroyed buildings in more energy efficient and environmentally friendly ways, the legislature will encourage a more sustainable use of resources and increased

climate resilience with resulting environmental benefits for all of the people of the state. It is the intent of the legislature that the assistance provided in this act be considered disaster relief payments by the internal revenue service.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.31 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce shall establish and administer a disaster relief payment program to provide assistance to qualifying property owners and local governments that had buildings destroyed or damaged in a wildfire occurring between August 1 and October 1, 2023. The department shall develop a system for the submission and evaluation of disaster relief payment applications in consultation with the emergency management division of the state military department and tribal and local government emergency management authorities. The system developed by the department must ensure that the disaster relief payments are only used for the purposes specified in this section.

(2) Disaster relief payments may only be awarded to property owners who had buildings damaged or destroyed during a wildfire and that meet the following criteria:

(a) The area in which the building was damaged or destroyed was under a state of emergency declared by the governor or a local government due to wildfires occurring in a county located to the east of the crest of the Cascade mountains with a population of at least 500,000;

(b) The building that was damaged or destroyed was a residential home, including manufactured homes, a multifamily building, a commercial building, or a public building;

(c) The same type of building as was damaged or destroyed in the wildfire is being constructed or repaired; and

(d) The new or repaired building will comply with all current state building and state energy code requirements in effect at the time of the permit application for the construction or repair.

(3) Disaster relief payments awarded under this section may only be used for the purpose of meeting increased energy efficiency standards, providing or increasing electric vehicle charging capacity, and the installation and use of solar panels on a building that did not, prior to being damaged or destroyed, utilize solar panels.

(4) The department shall develop criteria for awarding disaster relief payments under this section that is consistent with RCW 38.52.030(9) and, as appropriate, with other disaster response and recovery programs. When awarding disaster relief payments, the department must prioritize any building that is owned or rented by a low-income to moderate-income household. Thereafter, the department must award disaster relief payments based upon the amount of energy efficiency, electric vehicle charging capacity, or solar panels installation that will occur, with disaster relief payments

going first to those buildings which will yield the greatest environmental benefits.

(5) For the purposes of this section:

(a) "Increased energy efficiency standards" means energy code standards under chapter 19.27A RCW that have increased between the time the building was originally constructed and the time that it is to be repaired or rebuilt.

(b) "Local government" means a city, town, county, or special purpose district.

(c) "Low-income or moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(d) "Public building" means a building or building wholly owned and used by a local government.

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

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, 2024, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "wildfires;" strike the remainder of the title and insert "adding a new section to chapter 43.31 RCW; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1899 and advanced the bill, as amended by the Senate, to final passage.

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

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1899, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1899, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner,

Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1899, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2424, with the following amendment(s): 2424-S AMS AWNP S5129.3

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the Washington state department of fish and wildlife has entered into cooperative agreements with various tribal governments in the state, including the confederated tribes of the Colville reservation, to work on a government-to-government basis to collaboratively manage the state's fish and wildlife. The legislature further finds that the cooperative agreement between the confederated tribes of the Colville reservation and the Washington state department of fish and wildlife, as ratified by the fish and wildlife commission representing the state in the government-to-government cooperative process, addresses cooperative wildlife management on a portion of land ceded to the United States by the Colville tribes, often referred to as "the north half." The cooperative agreement recognizes that resource protection, tribal rights, and recreational opportunities of the general public are maximized through cooperative management of wildlife and habitats on the north half. The cooperative agreement provides that the department and the tribe will work together to protect, preserve, and enhance wildlife populations on the reservation and the north half through: Joint and cooperative surveying of wildlife populations, sharing population and harvest statistics, and development of a joint wildlife habitat protection and enhancement strategy. The agreement further provides that the department and tribe will work together to develop protocols and provide solutions for managing dangerous wildlife and/or wildlife depredation and will work cooperatively to reduce violations of state and tribal fish and game laws including procedures for joint patrols and investigations. The legislature finds that the department of fish and wildlife has broad authority under the cooperative agreement to work cooperatively with the Colville tribes. The cooperative agreement established the policy committee, which is

composed of representatives of the tribe and the department, to facilitate cooperative action and resolve disputes that may arise under the agreement. The agreement stipulates that the policy committee review the agreement annually and recommend modifications as to which the parties may mutually agree pursuant to approval by the confederated tribes and ratification by the commission in the government-to-government process.

(2) It is the intent of the legislature to affirm the goals and provisions established in the 1998 cooperative agreement between the department and the confederated tribes of the Colville Indian Reservation, and to direct the department to review and recommend modifications as necessary to the policies and practices implemented under the cooperative agreement, including management of the gray wolf in the "north half."

**NEW SECTION. Sec. 2.** (1) The department shall, upon approval of a plan of engagement by the commission that includes elements in subsection (2) of this section to be considered in the engagement, engage on a government-to-government basis with the confederated tribes of the Colville reservation for the purpose of identifying potential updates to management practices under, and recommended modifications to the 1998 cooperative fish and wildlife management agreement.

(2) The department must submit the agreed upon recommendations for updates or modifications to the agreement to the commission for their approval that identifies:

(a) Recommended updates or modifications to existing management strategies;

(b) Recommended updates or modifications to the "Wildlife Protection and Preservation" section of the cooperative agreement;

(c) Challenges to implementing the "Problem Wildlife" section of the cooperative agreement and recommended protocols to provide solutions for landowners with problems involving either dangerous wildlife or wildlife depredation, or both; and

(d) Recommendations for management of gray wolf and other species listed under the state endangered species act since adoption of the 1998 agreement as practiced by the tribe and the department.

(3) Subsequent to approval by the confederated tribes of the Colville and ratification by the commission, the department must report to the legislature, in accordance with RCW 43.01.036, on updates to or modifications to the 1998 cooperative fish and wildlife management agreement.

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

(a) "Commission" means the Washington state fish and wildlife commission.

(b) "Department" means the Washington state department of fish and wildlife.

(c) "The north half" means the portion of land that was originally part of the

Colville Indian reservation that the tribes ceded to the federal government in 1892."

On page 1, line 3 of the title, after "resources;" strike the remainder of the title and insert "and creating new sections."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2424 and advanced the bill, as amended by the Senate, to final passage.

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

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2424, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2424, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Berry, Farivar and Reed  
Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2424, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Monday, March 4, 2024

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5796 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5796.

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

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

Representative Connors spoke against the passage of the bill.

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

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5796, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

ENGROSSED SUBSTITUTE SENATE BILL NO. 5796, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Tuesday, March 5, 2024

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SENATE BILL NO. 6087 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SENATE BILL NO. 6087.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6087.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6087, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SENATE BILL NO. 6087, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Monday, March 4, 2024

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5811 and asks the House to recede therefrom.

and the same is herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the rules were suspended, and SENATE BILL NO. 5811 was returned to second reading for the purpose of amendment.

### MOTION

Representative Riccelli moved the adoption of the striking amendment (1265):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.88B.041 and 2023 c 424 s 7 are each amended to read as follows:

(1) The following long-term care workers are not required to become a certified home care aide pursuant to this chapter:

(a) (i) (A) Registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved training program for certified nursing assistants under chapter 18.88A RCW, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary, or persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary determines that the circumstances do not require certification.

(B) A person who was initially hired as a long-term care worker prior to January 7, 2012, and who completes all of the training requirements in effect as of the date the person was hired.

(ii) Individuals exempted by (a) (i) of this subsection may obtain certification as a home care aide without fulfilling the training requirements in RCW 74.39A.074(1) (d)(ii) but must successfully complete a certification examination pursuant to RCW 18.88B.031.

(b) All long-term care workers employed by community residential service businesses.

(c) (i) An individual provider caring only for the individual provider's (~~biological, step, or adoptive~~) child or parent, including when related by marriage or domestic partnership; and

(ii) An individual provider caring only for the individual provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership.

(d) A person working as an individual provider who provides (~~twenty~~) 20 hours or less of nonrespite care for one person in any calendar month.

(e) A person working as an individual provider who only provides respite services and works less than (~~three hundred~~) 300 hours in any calendar year.

(f) A long-term care worker providing approved services only for a spouse or registered domestic partner, pursuant to the long-term services and supports trust program established in chapter 50B.04 RCW.

(g) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans affairs home and community-based programs.

(2) A long-term care worker exempted by this section from the training requirements contained in RCW 74.39A.074 may not be prohibited from enrolling in training pursuant to that section.

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

**Sec. 2.** RCW 74.39A.076 and 2023 c 424 s 8 are each amended to read as follows:

(1) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1) (a):

(a) A (~~biological, step, or adoptive~~) parent who is the individual provider only for the person's developmentally disabled (~~son or daughter~~) child, including when related by marriage or domestic partnership, must receive (~~twelve~~) 12 hours of training relevant to the needs of individuals with developmental disabilities within the first (~~one hundred twenty~~) 120 days after becoming an individual provider.

(b) A spouse or registered domestic partner who is a long-term care worker only for a spouse or domestic partner, pursuant to the long-term services and supports trust program established in chapter 50B.04 RCW, must receive (~~fifteen~~) 15 hours of basic training, and at least six hours of additional focused training based on the care-receiving spouse's or partner's needs, within the first (~~one hundred twenty~~) 120 days after becoming a long-term care worker.

(c) A person working as an individual provider who (i) provides respite care services only for individuals with developmental disabilities receiving services under Title 71A RCW or only for individuals who receive services under this chapter, and (ii) works (~~three hundred~~) 300 hours or less in any calendar year, must complete (~~fourteen~~) 14 hours of training within the first (~~one hundred twenty~~) 120

days after becoming an individual provider. Five of the (~~fourteen~~)14 hours must be completed before becoming eligible to provide care, including two hours of orientation training regarding the caregiving role and terms of employment and three hours of safety training. The training partnership identified in RCW 74.39A.360 must offer at least (~~twelve~~)12 of the (~~fourteen~~)14 hours online, and five of those online hours must be individually selected from elective courses.

(d) Individual providers identified in (d)(i) or (ii) of this subsection must complete (~~thirty-five~~)35 hours of training within the first (~~one hundred twenty~~)120 days after becoming an individual provider. Five of the (~~thirty-five~~)35 hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(i) (A) (~~Am~~)Unless covered by (a) of this subsection, an individual provider caring only for the individual provider's (biological, step, or adoptive) child or parent (unless covered by (a) of this subsection), including when related by marriage or domestic partnership; (and)

(B) An individual provider caring only for the individual provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership;

(ii) A person working as an individual provider who provides (~~twenty~~)20 hours or less of care for one person in any calendar month; and

(iii) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans affairs home and community-based programs.

(2) In computing the time periods in this section, the first day is the date of hire.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (4) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in subsection (1) of this section have had adequate access to complete

the required training, whichever is later. Once the department determines a rule adopted under this subsection (4) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

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

**Sec. 3.** RCW 74.39A.341 and 2023 c 424 s 6 are each amended to read as follows:

(1) All long-term care workers shall complete (~~twelve~~)12 hours of continuing education training in advanced training topics each year. This requirement applies beginning July 1, 2012.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

(3) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

(b) An individual provider caring only for the individual provider's parent, sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership;

(c) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

(d) Before January 1, 2016, a long-term care worker employed by a community residential service business;

(e) A person working as an individual provider who provides (~~twenty~~)20 hours or less of care for one person in any calendar month;

(f) A person working as an individual provider who only provides respite services and works less than (~~three hundred~~)300 hours in any calendar year; or

(g) A person whose certificate has been expired for less than five years who seeks to restore the certificate to active status. The person does not need to complete continuing education requirements in order for their certificate to be restored to active status. Subsection (1) of this section applies to persons once the certificate has been restored to active status, beginning on the date the certificate is restored to active status.

(4) Individual providers covered under subsection (3) of this section may voluntarily take continuing education. The consumer directed employer must pay individual providers covered in subsection (3) of this section for any continuing education that they may take, up to 12 hours of continuing education annually.

(5) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this

section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

~~((6))~~ (7) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection ~~((6))~~ are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection ~~((6))~~ is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

~~((7))~~ (8) The department of health shall adopt rules to implement subsection (1) of this section.

~~((8))~~ (9) The department shall adopt rules to implement subsection (2) of this section.

**Sec. 4.** RCW 74.39A.341 and 2023 c 424 s 6 are each amended to read as follows:

(1) All long-term care workers shall complete ~~((twelve))~~ 12 hours of continuing education training in advanced training topics each year. This requirement applies beginning July 1, 2012.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

(3) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child;

~~(b) ((An individual provider caring only for the individual provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership;~~

~~(e))~~ Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

~~((d))~~ (c) Before January 1, 2016, a long-term care worker employed by a community residential service business;

~~((e))~~ (d) A person working as an individual provider who provides

~~((twenty))~~ 20 hours or less of care for one person in any calendar month;

~~((f))~~ (e) A person working as an individual provider who only provides respite services and works less than ~~((three hundred))~~ 300 hours in any calendar year; or

~~((g))~~ (f) A person whose certificate has been expired for less than five years who seeks to restore the certificate to active status. The person does not need to complete continuing education requirements in order for their certificate to be restored to active status. Subsection (1) of this section applies to persons once the certificate has been restored to active status, beginning on the date the certificate is restored to active status.

(4) Individual providers covered under subsection (3) of this section may voluntarily take continuing education. The consumer directed employer must pay individual providers covered in subsection (3) of this section for any continuing education that they may take, up to 12 hours of continuing education annually.

(5) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

~~((6))~~ (7) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection ~~((6))~~ are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection ~~((6))~~ is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

~~((7))~~ (8) The department of health shall adopt rules to implement subsection (1) of this section.

~~((8))~~ (9) The department shall adopt rules to implement subsection (2) of this section.

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



(1) The department shall convene a work group to review existing available continuing education courses offered to long-term care workers under RCW 74.39A.341 and provide input and recommendations for the inclusion of topics relevant to individual providers caring for a family member to be incorporated into the development of new continuing education courses. The work group must consist of stakeholders with an interest in the continuing education training requirements for individual providers, including individual providers who are caregivers to a family member with an intellectual or developmental disability, individual providers who are adult children who are caregivers to a parent, the contracted training entity providing continuing education to long-term care workers, and consumers receiving care from an individual provider who is a family member.

(2) The department shall convene the work group by July 1, 2024, and the work group shall provide recommendations for the development of new courses to the secretary and the contracted training entity by March 1, 2025. By July 1, 2025, the contracted training entity shall submit a continuing education training course development plan that includes a specific timeline for the incorporation of topics identified in subsection (1) of this section to the secretary and the relevant committees of the legislature. Beginning September 1, 2025, the contracted training entity shall prioritize the development of courses that address the topics identified in subsection (1) of this section and the continuing education course development plan when it conducts its next scheduled continuing education course update and development for long-term care workers. The contracted training entity shall continue the development of new courses that address the recommended topics identified in subsection (1) of this section and the continuing education course development plan in its regular continuing education course development.

NEW SECTION. **Sec. 6.** Section 3 of this act takes effect January 1, 2025.

NEW SECTION. **Sec. 7.** Section 3 of this act expires January 1, 2027.

NEW SECTION. **Sec. 8.** Section 4 of this act takes effect January 1, 2027."

Correct the title.

Representatives Riccelli and Schmick spoke in favor of the adoption of the striking amendment.

The striking amendment (1265) was adopted.

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

Representatives Alvarado and Riccelli spoke in favor of the passage of the bill.

Representatives Schmick and Corry spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5811, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5811, as amended by the House, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldwell, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klieker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

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

#### MESSAGE FROM THE SENATE

Tuesday, March 5, 2024

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SENATE BILL NO. 5906 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

There being no objection, the rules were suspended, and ENGROSSED SENATE BILL NO. 5906 was returned to second reading for the purpose of amendment.

#### MOTION

Representative Macri moved the adoption of the striking amendment (1267):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall develop, implement, and maintain a statewide drug overdose prevention and awareness campaign to address the drug overdose epidemic.

(2)(a) The campaign must educate the public about the dangers of methamphetamines and opioids, including fentanyl, and the harms caused by drug use. The campaign must include outreach to both youth and adults aimed at preventing substance use and overdose deaths.

(b) The department, in consultation with the health care authority, may also include messaging focused on substance use disorder and overdose death prevention, resources for addiction treatment and services, and information on immunity for people who seek medical assistance in a drug overdose situation pursuant to RCW 69.50.315.

(3) The 2024 and 2025 campaigns must focus on increasing the awareness of the dangers of fentanyl and other synthetic opioids, including the high possibility that other drugs are contaminated with synthetic opioids and that even trace amounts of synthetic opioids can be lethal.

(4) Beginning June 30, 2025, and each year thereafter, the department must submit a report to the appropriate committees of the legislature on the content and distribution of the statewide drug overdose prevention and awareness campaign. The report must include a summary of the messages distributed during the campaign, the mediums through which the campaign was operated, and data on how many individuals received information through the campaign. The department must identify measurable benchmarks to determine the effectiveness of the campaign and recommend whether the campaign should continue and if any changes should be made to the campaign. The report must be submitted in compliance with RCW 43.01.036.

NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

Correct the title.

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

Representative Corry spoke against the adoption of the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 56 - YEAS; 38 - NAYS.

The striking amendment (1267) was adopted.

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

Representatives Leavitt and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5906, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5906, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors,

Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SENATE BILL NO. 5906, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

#### SECOND READING

**ENGROSSED SENATE BILL NO. 6098, by Senators Robinson and Nguyen**

**Concerning accounts.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was adopted. For Committee amendment, see Journal, Day 58, Tuesday, March 5, 2024.

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

Representatives Macri and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6098, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6098, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SENATE BILL NO. 6098, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6316, by Senate Committee on Transportation (originally sponsored by Pedersen and King)**

**Concerning the state route number 520 corridor.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was before the House for purpose of amendment. For Committee amendment, see Journal, Day 58, Tuesday, March 5, 2024.

### MOTION

Representative Fey moved the adoption of amendment (1260) to the committee striking amendment:

On page 2, line 18 of the striking amendment, after "act" strike "takes effect July 1, 2024" and insert "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"

Representatives Fey and Barkis spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1260) to the committee striking amendment was adopted.

The committee striking amendment, as amended, was adopted.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6316, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6316, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE SENATE BILL NO. 6316, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

### RESOLUTION

**HOUSE RESOLUTION NO. 2024-4700**, by Representatives Jinkins, Stokesbary, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy,

Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, and Ybarra

WHEREAS, Joel Andrew Kretz was born in Seattle to Marjory and Vincent Kretz; and

WHEREAS, He grew up in Mercer Island and graduated from Mercer Island High School; and

WHEREAS, Kretz worked closely with his father at Timber Traders and Preston Mill Company in the timber business; and

WHEREAS, He started a logging company, Kretz Logging; and

WHEREAS, Kretz has a son, Jed (Chandra), and two grandchildren – Waylon and Josette; and

WHEREAS, He is lucky to be married to Lucka from Bohemia; and

WHEREAS, Kretz is the owner of Promised Land Ranch in Wauconda, where he raises horses, cattle, and timber; and

WHEREAS, He has welcomed all who were interested in gaining a real country perspective the opportunity to visit his beautiful home – provided they could find his four-mile driveway with no cell service or GPS system and traverse its multiple gates; and

WHEREAS, Kretz was first elected to the Washington State House of Representatives in 2004 to represent the 7th Legislative District; and

WHEREAS, He was elected House Republican Deputy Leader in late 2008 – a position he held until he stepped down in April 2023 (15 years!); and

WHEREAS, Kretz has advocated for private property rights, small businesses, solutions to address predator problems in Northeast Washington, fire-resilient forests, and wildfire prevention and response; and

WHEREAS, He has fought tirelessly for his constituents – the ranchers, farmers, and families of the great frontier; and

WHEREAS, Kretz has worked closely with Colville Tribal Leaders, such as Mel Tonasket, on their shared commitments to the lands, waters, and resources of the region; and

WHEREAS, He will always be remembered for his love of the land, his fierce loyalty to his friends, and his mustache; and

WHEREAS, Kretz is known for his passion for the rural lifestyle, the rural economy, and the rural code of "make sure you're not all hat and no cattle"; and

WHEREAS, He will always be Olympia's favorite cowboy from Wauconda and his life a country song. And as we all know, a cowboy never says goodbye – it's not in his nature; and

WHEREAS, Kretz has always had an open-door policy, often hosting both Republicans and Democrats at the same time in his Western-themed office to share thoughts and ideas. All who entered his office were greeted with a "come on in" and treated as a close friend; and

WHEREAS, As he concludes his time in the Washington State House of Representatives, we share our heartfelt thanks and appreciation for his public service and friendship;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Representative Joel Kretz's record of public service to this institution, his constituents, and the people of Washington state.

Representative Wilcox moved adoption of HOUSE RESOLUTION NO. 4700.

Representatives Wilcox, Springer, Maycumber, Reeves, Dent, Chapman and Orcutt spoke in favor of the adoption of the resolution.

### SPEAKER'S PRIVILEGE

The Speaker recognized Representative Kretz's contributions and years of service to his legislative district and the House.

HOUSE RESOLUTION NO. 4700 was adopted.

There being no objection, the House adjourned until 10:30 a.m., Thursday, March 7, 2024, the 60th Day of the 2024 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

Draft

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