

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

NINETY SIXTH DAY

House Chamber, Olympia, APRIL 14, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rahul Sharma and Eliza Fischer. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by pastor Carolyn Bowers, Colby United Methodist Church, Port Orchard.

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

RESOLUTION

HOUSE RESOLUTION NO. 2023-4641, by Representative Rule

WHEREAS, The Nooksack Valley High School Girls Varsity Basketball Team has had an outstanding season to win their first state basketball championship in the WA Class 1A and the Northwest District; and

WHEREAS, The team has a combined win-loss record of 28 wins and one loss over the last season; and

WHEREAS, The team featured tournament MVP Devin Coppinger; and

WHEREAS, The team has demonstrated commitment, perseverance, excellence, and teamwork, which are essential qualities to achieve the highest levels of success; and

WHEREAS, Educationally based athletics are proven to positively impact attendance, grades, leadership skills, and mental health;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives hereby congratulate the Nooksack Valley High School Girls Varsity Basketball Team for their outstanding achievements and extend its warmest appreciation to the players, coaches, support staff, and families who have contributed to the success of the team; and

BE IT FURTHER RESOLVED, That the Washington state House of Representatives recognize the successes and accomplishments of the Nooksack Valley High School Girls Varsity Basketball Team as a source of pride and inspiration for the entire school community; and

BE IT FURTHER RESOLVED, That the Washington state House of Representatives commend the team for their excellent performance, sportsmanship, and leadership, and for representing their school and community with distinction and honor; wish the team continued success; and look forward to their future accomplishments both on and off the court.

There being no objection, HOUSE RESOLUTION NO. 4641 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2023-4645, by Representative Rule

WHEREAS, The Bellingham High School Boys Varsity Swimming and Diving Team has had an outstanding season winning the state swimming and diving championship in the WIAA Class 2A; and

WHEREAS, The team has demonstrated commitment, perseverance, excellence, and teamwork, which are essential qualities to achieve the highest levels of success; and

WHEREAS, Educationally-based athletics are proven to positively impact attendance, grades, leadership skills, and mental health;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Bellingham High School Boys Varsity Swimming and Diving Team for their outstanding achievements and extend its warmest appreciation to the players, coaches, support staff, and families who have contributed to the success of the team; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the successes and accomplishments of the Bellingham High School Boys Varsity Swimming and Diving Team as a source of pride and inspiration for the entire school community; and

BE IT FURTHER RESOLVED, That the team be commended for their excellent performance, sportsmanship, and leadership, and for representing their school and community with distinction and honor. The House of Representatives wish the team continued success and look forward to their future accomplishments both in and out of the pool.

There being no objection, HOUSE RESOLUTION NO. 4645 was adopted.

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

INTRODUCTION & FIRST READING

HB 1856 by Representatives Abbarno, Volz, Schmick, Robertson, Walsh, Graham, Christian, Eslick, Low, Cheney, Griffey, Couture, Corry, Schmidt, Rude, Sandlin, Goehner, Steele, Harris, Waters, Orcutt, Ybarra, Klicker and Dye

AN ACT Relating to enhancing access to public records through studying the efficacy of establishing the Washington office of transparency ombuds as an independent state agency; creating new sections; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

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

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5447, by Senate Committee on Environment, Energy & Technology (originally sponsored by Billig, King, Nguyen, MacEwen, Mullet, Wellman, Gildon, Keiser, Shewmake, Lovick, Boehnke, Warnick, Randall, Conway, Dhingra, Dozier, Liias, Lovelett, Saldaña, Stanford, Van De Wege and Wagoner)

Promoting the alternative jet fuel industry in Washington.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Environment & Energy was not adopted. For

Committee amendment, see Journal, Day 74, Thursday, March 23, 2023.

There being no objection, the committee striking amendment by the Committee on Finance was before the House for purpose of amendment. For Committee amendment, see Journal, Day 85, Monday, April 3, 2023.

Representative Timmons moved the adoption of amendment (655) to the committee striking amendment:

On page 10, line 2 of the striking amendment, after "fuel" strike "at a location" and insert "on the footprint of a structure"

Representatives Timmons and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

MOTIONS

On motion of Representative Ramel, Representative Ortiz-Self was excused.

On motion of Representative Griffey, Representative Chandler was excused.

Amendment (655) 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 Slatter and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5447, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5447, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5447, 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. 5447 was immediately transmitted to the Senate.

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

THIRD READING

MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019, with the following amendment(s): 1019-S.E AMS AWP S2597.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that agency decisions related to the regulation of pesticides benefit from robust community and stakeholder engagement. The legislature intends to create a formal and permanent advisory board to advise the department of agriculture on any or all problems relating to the use and application of pesticides in the state, with the exception of matters covered by the pesticide application safety committee.

NEW SECTION. Sec. 2. A new section is added to chapter 17.21 RCW to read as follows:

(1) The pesticide advisory board is established to advise the director on any or all problems relating to the use and application of pesticides in the state except for matters covered by the pesticide application safety committee created in RCW 70.104.110, with members as provided in this subsection.

(a) Voting members:

(i) One pesticide applicator licensed to operate agricultural aerial apparatus;

(ii) One licensed pest control consultant, or one licensed pesticide dealer or pesticide dealer manager;

(iii) One member representing the agricultural chemical industry;

(iv) One agricultural producer;

(v) The department's pesticide management division assistant director or the assistant director's designee;

(vi) One toxicologist or pesticide investigations manager from the department of health;

(vii) The department of labor and industries' division of occupational safety and health assistant director or the assistant director's designee;

(viii) One member representing the environmental community;

(ix) One representative from a federally recognized Indian tribe or an interested tribe that does not regulate pesticides;

(x) One farmworker advocate;

(xi) One migrant farmworker;

(xii) One at-large member as determined by the director; and

(xiii) One member representing the household and commercial products association.

(b) Nonvoting members:

(i) The director of the following agencies or the director's designees:

(A) The department of labor and industries;

(B) The department of fish and wildlife;
 (C) The department of ecology; and
 (D) The liquor and cannabis board;
 (ii) The commissioner of public lands or the commissioner's designee;
 (iii) The commissioner of the employment security department or the commissioner's designee;
 (iv) The environmental health specialist from the department of health;
 (v) One entomologist in public service;
 (vi) One toxicologist in public service;
 (vii) One member from the national pesticide information center;
 (viii) One pesticide coordinator from Washington State University;
 (ix) One agricultural health network advisor from the Pacific Northwest agricultural safety and health center;
 (x) The department's pollinator health coordinator, apiarist, or both;
 (xi) One commercial beekeeper;
 (xii) One member representing the United States environmental protection agency region 10;
 (xiii) One member representing the department of transportation with expertise in vegetation management;
 (xiv) One member representing the noxious weed control board; and
 (xv) One member representing an organization made up of agricultural producers, timber producers, wood preservers, and others whose mission includes supporting the science behind the responsible use of pesticides in both agriculture and forestry.

(2) The director shall appoint each member of the pesticide advisory board for terms of four years. Members may be appointed for successive four-year terms at the discretion of the director. The terms must be staggered so that approximately one-fourth of the terms expire on June 30th of each calendar year. In making appointments, the director shall seek nominations from affected agricultural and environmental groups. The director may remove any member of the pesticide advisory board prior to the expiration of his or her term of appointment for cause.

(3) The director shall attempt to fill any vacancy on the pesticide advisory board within 30 days for the remainder of its term.

(4) The director, in consultation with the pesticide advisory board, shall form work groups that include individuals with the appropriate expertise to inform the board on issues relating to specific pesticides or uses. Work groups created under this subsection may include individuals who are not members of the pesticide advisory board.

NEW SECTION. Sec. 3. A new section is added to chapter 17.21 RCW to read as follows:

The pesticide advisory board established in section 2 of this act shall elect a chair from among its membership. The pesticide advisory board shall meet from time to time at the call of the director, chair of the board, or a majority of the board."

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "adding new sections to chapter 17.21 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019 and advanced the bill, as amended by the Senate, to final passage.

Representatives Dent 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 Engrossed Substitute House Bill No. 1019, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1019, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, with the following amendment(s): 1033-S.E AMS ENET S0680.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) Legislation enacted in 2022, chapter 180, Laws of 2022, contains numerous provisions intended to decrease the generation of methane gas in landfills from organic materials, by increasing the diversion of organic materials to compost and other organic materials management

facilities. The legislature finds that there is urgency in the state's efforts to ensure that compost streams are limited to compostable organic materials and are not hindered by unsuitable contaminants. At present, organic materials management facilities in Washington vary in the types of feedstocks that are accepted.

(b) The department must contract with an independent third-party facilitator to convene a stakeholder advisory committee. The advisory committee shall make recommendations to the appropriate committees of the legislature on the development of standards for the management of compostable products, especially food service products, by composting and other organic materials management facilities.

(2) In developing recommendations, the stakeholder advisory committee must, at a minimum, consider:

(a) The state's goals of managing organic materials, including food waste, in an environmentally sustainable way that increases food waste diversion and ensures that finished compost is clean and marketable, with the intent of being consistent with and furthering the improvements identified in chapter 180, Laws of 2022;

(b) The types of compostable products, and amounts if known, sold or distributed into Washington;

(c) Consumer confusion caused by noncompostable products that can lead to contamination issues;

(d) Compostable standards related to the breakdown of products in facilities and home composting;

(e) The status of acceptance of compostable products by organic materials management facilities in Washington, including consideration of organic certifications;

(f) Estimates of the percentage of compostable products used in Washington that are disposed of at organic materials management facilities;

(g) Financial incentives for organic materials management facilities accepting compostable products;

(h) Current laws related to compostable products and the enforcement of these laws;

(i) Any work product from other contemporaneous stakeholder advisory committees currently discussing similar topics in other jurisdictions or nationwide; and

(j) Policy options addressing contamination of organic waste streams and to increase the use of reusable and refillable items.

(3) The facilitator selected in subsection (1) of this section must:

(a) Hire subcontractors, as needed, for the research of any relevant information regarding issues associated with compostable products and the management of compostable materials in composting and other organic materials management facilities;

(b) Provide staff and support to the stakeholder advisory committee meetings; and

(c) Draft reports and other materials for review by the stakeholder advisory committee.

(4) The facilitator shall submit a report to the legislature by September 15, 2024, containing the recommendations of the stakeholder advisory committee after review and approval by the facilitator and committee. The department and its hired facilitator must convene the first stakeholder meeting by September 15, 2023, and must convene meetings at least monthly thereafter through January, on a schedule developed in consultation with the stakeholders serving on the advisory committee. All meetings of the stakeholder advisory committee must be held in a virtual format. The stakeholder advisory committee shall make recommendations using consensus-based decision making. The report must include recommendations where general stakeholder consensus has been achieved and note dissenting opinions where stakeholder consensus has not been achieved.

(5) The department must select at least one member to the stakeholder advisory committee from each of the following:

(a) Cities, including both small and large cities and cities located in urban and rural counties, which may be represented by an association that represents cities in Washington;

(b) Counties, including both small and large counties and urban and rural counties, which may be represented by an association that represents county solid waste managers in Washington;

(c) Municipal collectors or companies that provide curbside organic materials management services under a municipal contract under RCW 35.21.120;

(d) A solid waste collection company regulated under chapter 81.77 RCW that provides curbside organic materials collection services;

(e) Three organic materials management facility operators, including at least one operator of a facility that does not currently accept compostable food service products and one operator of a facility that does currently accept such products;

(f) A representative from an environmental nonprofit organization that specializes in waste and recycling issues;

(g) Two manufacturers of compostable products, including at least one manufacturer of compostable food service products and one manufacturer of compostable plastic food service products;

(h) One distributor of compostable food service products;

(i) A statewide general business trade association;

(j) A representative from a retail grocery association;

(k) Two organizations that act as third-party certifiers of compostable products;

(l) The department of agriculture;

(m) Two associations focused on organic materials recycling or composting; and

(n) A statewide organization representing hospitality businesses.

(6) In addition to the members selected under subsection (5) of this section, the director must invite participation on the stakeholder advisory committee from any federally recognized Indian tribe that expresses interest in participation to the department prior to September 1, 2023.

(7) This section expires July 1, 2028."

On page 1, line 2 of the title, after "Washington;" strike the remainder of the title and insert "adding a new section to chapter 70A.205 RCW; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033 and advanced the bill, as amended by the Senate, to final passage.

Representatives Walen and Dye 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. 1033, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1033, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goechner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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 Couture, Jacobsen, McEntire and Walsh

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1043, with the following amendment(s): 1043-S AMS LAW S2565.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 64.32.170 and 1965 ex.s. c 11 s 5 are each amended to read as follows:

~~((The manager or board of directors, as the case may be, shall keep complete and accurate books and records of the receipts and expenditures affecting the common areas~~

~~and facilities, specifying and itemizing the maintenance and repair expenses of the common areas and facilities and any other expenses incurred. Such books and records and the vouchers authorizing payments shall be available for examination by the apartment owners, their agents or attorneys, at any reasonable time or times.))~~ (1) An association of apartment owners must retain the following:

~~(a) The current budget, detailed records of receipts and expenditures affecting the operation and administration of the association, and other appropriate accounting records within the last seven years;~~

~~(b) Minutes of all meetings of its apartment owners and board other than executive sessions, a record of all actions taken by the apartment owners or board without a meeting, and a record of all actions taken by a committee in place of the board on behalf of the association;~~

~~(c) The names of current apartment owners, addresses used by the association to communicate with them, and the number of votes allocated to each apartment;~~

~~(d) Its original or restated declaration, organizational documents, all amendments to the declaration and organizational documents, and all rules currently in effect;~~

~~(e) All financial statements and tax returns of the association for the past seven years;~~

~~(f) A list of the names and addresses of its current board members and officers;~~

~~(g) Its most recent annual report delivered to the secretary of state, if any;~~

~~(h) Copies of contracts to which it is or was a party within the last seven years;~~

~~(i) Materials relied upon by the board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;~~

~~(j) Materials relied upon by the board or any committee concerning a decision to enforce the governing documents for a period of seven years after the decision is made;~~

~~(k) Copies of insurance policies under which the association is a named insured;~~

~~(l) Any current warranties provided to the association;~~

~~(m) Copies of all notices provided to apartment owners or the association in accordance with this chapter or the governing documents; and~~

~~(n) Ballots, proxies, absentee ballots, and other records related to voting by apartment owners for one year after the election, action, or vote to which they relate.~~

~~(2) (a) Subject to subsections (3) through (5) of this section, and except as provided in (b) of this subsection, all records required to be retained by an association of apartment owners must be made available for examination and copying by all apartment owners, holders of mortgages on the apartments, and their respective authorized agents as follows, unless agreed otherwise:~~

~~(i) During reasonable business hours or at a mutually convenient time and location; and~~

(ii) At the offices of the association or its managing agent.

(b) The list of apartment owners required to be retained by an association under subsection (1)(c) of this section is not required to be made available for examination and copying by holders of mortgages on the apartments.

(3) Records retained by an association of apartment owners must have the following information redacted or otherwise removed prior to disclosure:

(a) Personnel and medical records relating to specific individuals;

(b) Contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated;

(c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;

(d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the governing documents;

(e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work product doctrine, including communications with the managing agent or other agent of the association;

(f) Information the disclosure of which would violate a court order or law;

(g) Records of an executive session of the board;

(h) Individual apartment files other than those of the requesting apartment owner;

(i) Unlisted telephone number or electronic address of any apartment owner or resident;

(j) Security access information provided to the association for emergency purposes; or

(k) Agreements that for good cause prohibit disclosure to the members.

(4) In addition to the requirements in subsection (3) of this section, an association of apartment owners must, prior to disclosure of the list of apartment owners required to be retained by an association under subsection (1)(c) of this section, redact or otherwise remove the address of any apartment owner or resident who is known to the association to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar program established by law.

(5)(a) Except as provided in (b) of this subsection, an association of apartment owners may charge a reasonable fee for producing and providing copies of any records under this section and for supervising the apartment owner's inspection.

(b) An apartment owner is entitled to receive a free annual electronic or paper copy of the list retained under subsection (1)(c) of this section from the association.

(6) A right to copy records under this section includes the right to receive copies by photocopying or other means, including through an electronic transmission if available upon request by the apartment owner.

(7) An association of apartment owners is not obligated to compile or synthesize information.

(8) Information provided pursuant to this section may not be used for commercial purposes.

(9) An association of apartment owner's managing agent must deliver all of the association's original books and records to the association immediately upon termination of its management relationship with the association, or upon such other demand as is made by the board. An association managing agent may keep copies of the association records at its own expense.

(10) All books and records shall be kept in accordance with good accounting procedures and be audited at least once a year by an auditor outside of the organization.

(11) This section applies to records in the possession of the association on the effective date of this section, and to records created or maintained after the effective date of this section. An association has no liability under this section for records disposed of prior to the effective date of this section.

Sec. 2. RCW 64.34.372 and 1992 c 220 s 19 are each amended to read as follows:

(1) The association shall keep financial records sufficiently detailed to enable the association to comply with RCW 64.34.425. All financial and other records of the association, including but not limited to checks, bank records, and invoices, are the property of the association (~~but shall be made reasonably available for examination and copying by the manager of the association, any unit owner, or the owner's authorized agents~~). At least annually, the association shall prepare, or cause to be prepared, a financial statement of the association in accordance with generally accepted accounting principles. The financial statements of condominiums consisting of ~~((fifty))~~ 50 or more units shall be audited at least annually by a certified public accountant. In the case of a condominium consisting of fewer than ~~((fifty))~~ 50 units, an annual audit is also required but may be waived annually by unit owners other than the declarant of units to which ~~((sixty))~~ 60 percent of the votes are allocated, excluding the votes allocated to units owned by the declarant.

(2) The funds of an association shall be kept in accounts in the name of the association and shall not be commingled with the funds of any other association, nor with the funds of any manager of the association or any other person responsible for the custody of such funds. Any reserve funds of an association shall be kept in a segregated account and any transaction affecting such funds, including the issuance of checks, shall require the signature of at least two persons who are officers or directors of the association.

(3) An association must retain the following:

(a) The current budget, detailed records of receipts and expenditures affecting the operation and administration of the

association, and other appropriate accounting records within the last seven years;

(b) Minutes of all meetings of its unit owners and board other than executive sessions, a record of all actions taken by the unit owners or board without a meeting, and a record of all actions taken by a committee in place of the board on behalf of the association;

(c) The names of current unit owners, addresses used by the association to communicate with them, and the number of votes allocated to each unit;

(d) Its original or restated declaration, organizational documents, all amendments to the declaration and organizational documents, and all rules currently in effect;

(e) All financial statements and tax returns of the association for the past seven years;

(f) A list of the names and addresses of its current board members and officers;

(g) Its most recent annual report delivered to the secretary of state, if any;

(h) Copies of contracts to which it is or was a party within the last seven years;

(i) Materials relied upon by the board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;

(j) Materials relied upon by the board or any committee concerning a decision to enforce the governing documents for a period of seven years after the decision is made;

(k) Copies of insurance policies under which the association is a named insured;

(l) Any current warranties provided to the association;

(m) Copies of all notices provided to unit owners or the association in accordance with this chapter or the governing documents; and

(n) Ballots, proxies, absentee ballots, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate.

(4) (a) Subject to subsections (5) through (7) of this section, and except as provided in (b) of this subsection, all records required to be retained by an association must be made available for examination and copying by all unit owners, holders of mortgages on the units, and their respective authorized agents as follows, unless agreed otherwise:

(i) During reasonable business hours or at a mutually convenient time and location; and

(ii) At the offices of the association or its managing agent.

(b) The list of unit owners required to be retained by an association under subsection (3)(c) of this section is not required to be made available for examination and copying by holders of mortgages on the units.

(5) Records retained by an association must have the following information redacted or otherwise removed prior to disclosure:

(a) Personnel and medical records relating to specific individuals;

(b) Contracts, leases, and other commercial transactions to purchase or

provide goods or services currently being negotiated;

(c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;

(d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the governing documents;

(e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work product doctrine, including communications with the managing agent or other agent of the association;

(f) Information the disclosure of which would violate a court order or law;

(g) Records of an executive session of the board;

(h) Individual unit files other than those of the requesting unit owner;

(i) Unlisted telephone number or electronic address of any unit owner or resident;

(j) Security access information provided to the association for emergency purposes; or

(k) Agreements that for good cause prohibit disclosure to the members.

(6) In addition to the requirements in subsection (5) of this section, an association must, prior to disclosure of the list of unit owners required to be retained by an association under subsection (3)(c) of this section, redact or otherwise remove the address of any unit owner or resident who is known to the association to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar program established by law.

(7) (a) Except as provided in (b) of this subsection, an association may charge a reasonable fee for producing and providing copies of any records under this section and for supervising the unit owner's inspection.

(b) A unit owner is entitled to receive a free annual electronic or paper copy of the list retained under subsection (3)(c) of this section from the association.

(8) A right to copy records under this section includes the right to receive copies by photocopying or other means, including through an electronic transmission if available upon request by the unit owner.

(9) An association is not obligated to compile or synthesize information.

(10) Information provided pursuant to this section may not be used for commercial purposes.

(11) An association's managing agent must deliver all of the association's original books and records to the association immediately upon termination of its management relationship with the association, or upon such other demand as is made by the board. An association managing agent may keep copies of the association records at its own expense.

(12) This section applies to records in the possession of the association on the effective date of this section, and to records created or maintained after the effective date of this section. An association has no liability under this

section for records disposed of prior to the effective date of this section.

Sec. 3. RCW 64.38.045 and 1995 c 283 s 9 are each amended to read as follows:

(1) The association or its managing agent shall keep financial and other records sufficiently detailed to enable the association to fully declare to each owner the true statement of its financial status. All financial and other records of the association, including but not limited to checks, bank records, and invoices, in whatever form they are kept, are the property of the association. Each association managing agent shall turn over all original books and records to the association immediately upon termination of the management relationship with the association, or upon such other demand as is made by the board of directors. An association managing agent is entitled to keep copies of association records. All records which the managing agent has turned over to the association shall be made reasonably available for the examination and copying by the managing agent.

~~(2) ((All records of the association, including the names and addresses of owners and other occupants of the lots, shall be available for examination by all owners, holders of mortgages on the lots, and their respective authorized agents on reasonable advance notice during normal working hours at the offices of the association or its managing agent. The association shall not release the unlisted telephone number of any owner. The association may impose and collect a reasonable charge for copies and any reasonable costs incurred by the association in providing access to records.~~

~~(3))~~ At least annually, the association shall prepare, or cause to be prepared, a financial statement of the association. The financial statements of associations with annual assessments of ~~((fifty thousand dollars))~~ \$50,000 or more shall be audited at least annually by an independent certified public accountant, but the audit may be waived if ~~((sixty-seven))~~ 67 percent of the votes cast by owners, in person or by proxy, at a meeting of the association at which a quorum is present, vote each year to waive the audit.

~~((4))~~ (3) The funds of the association shall be kept in accounts in the name of the association and shall not be commingled with the funds of any other association, nor with the funds of any manager of the association or any other person responsible for the custody of such funds.

(4) An association must retain the following:

(a) The current budget, detailed records of receipts and expenditures affecting the operation and administration of the association, and other appropriate accounting records within the last seven years;

(b) Minutes of all meetings of its owners and board other than executive sessions, a record of all actions taken by the owners or board without a meeting, and a record of all actions taken by a committee in place of the board on behalf of the association;

(c) The names of current owners, addresses used by the association to communicate with them, and the number of votes allocated to each lot;

(d) Its original or restated declaration, organizational documents, all amendments to the declaration and organizational documents, and all rules currently in effect;

(e) All financial statements and tax returns of the association for the past seven years;

(f) A list of the names and addresses of its current board members and officers;

(g) Its most recent annual report delivered to the secretary of state, if any;

(h) Copies of contracts to which it is or was a party within the last seven years;

(i) Materials relied upon by the board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;

(j) Materials relied upon by the board or any committee concerning a decision to enforce the governing documents for a period of seven years after the decision is made;

(k) Copies of insurance policies under which the association is a named insured;

(l) Any current warranties provided to the association;

(m) Copies of all notices provided to owners or the association in accordance with this chapter or the governing documents; and

(n) Ballots, proxies, absentee ballots, and other records related to voting by owners for one year after the election, action, or vote to which they relate.

(5)(a) Subject to subsections (6) through (8) of this section, and except as provided in (b) of this subsection, all records required to be retained by an association must be made available for examination and copying by all owners, holders of mortgages on the lots, and their respective authorized agents as follows, unless agreed otherwise:

(i) During reasonable business hours or at a mutually convenient time and location; and

(ii) At the offices of the association or its managing agent.

(b) The list of owners required to be retained by an association under subsection (4)(c) of this section is not required to be made available for examination and copying by holders of mortgages on the lots.

(6) Records retained by an association must have the following information redacted or otherwise removed prior to disclosure:

(a) Personnel and medical records relating to specific individuals;

(b) Contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated;

(c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;

(d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the governing documents;

(e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work

product doctrine, including communications with the managing agent or other agent of the association;

(f) Information the disclosure of which would violate a court order or law;

(g) Records of an executive session of the board;

(h) Individual lot files other than those of the requesting owner;

(i) Unlisted telephone number or electronic address of any owner or resident;

(j) Security access information provided to the association for emergency purposes; or

(k) Agreements that for good cause prohibit disclosure to the members.

(7) In addition to the requirements in subsection (6) of this section, an association must, prior to disclosure of the list of owners required to be retained by an association under subsection (4)(c) of this section, redact or otherwise remove the address of any owner or resident who is known to the association to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar program established by law.

(8)(a) Except as provided in (b) of this subsection, an association may charge a reasonable fee for producing and providing copies of any records under this section and for supervising the owner's inspection.

(b) An owner is entitled to receive a free annual electronic or paper copy of the list retained under subsection (4)(c) of this section from the association.

(9) A right to copy records under this section includes the right to receive copies by photocopying or other means, including through an electronic transmission if available upon request by the owner.

(10) An association is not obligated to compile or synthesize information.

(11) Information provided pursuant to this section may not be used for commercial purposes.

(12) An association's managing agent must deliver all of the association's original books and records to the association immediately upon termination of its management relationship with the association, or upon such other demand as is made by the board. An association managing agent may keep copies of the association records at its own expense.

(13) This section applies to records in the possession of the association on the effective date of this section, and to records created or maintained after the effective date of this section. An association has no liability under this section for records disposed of prior to the effective date of this section.

Sec. 4. RCW 64.90.495 and 2018 c 277 s 320 are each amended to read as follows:

(1) An association must retain the following:

(a) The current budget, detailed records of receipts and expenditures affecting the operation and administration of the association, and other appropriate accounting records within the last seven years;

(b) Minutes of all meetings of its unit owners and board other than executive sessions, a record of all actions taken by the unit owners or board without a meeting, and a record of all actions taken by a committee in place of the board on behalf of the association;

(c) The names of current unit owners, addresses used by the association to communicate with them, and the number of votes allocated to each unit;

(d) Its original or restated declaration, organizational documents, all amendments to the declaration and organizational documents, and all rules currently in effect;

(e) All financial statements and tax returns of the association for the past seven years;

(f) A list of the names and addresses of its current board members and officers;

(g) Its most recent annual report delivered to the secretary of state, if any;

(h) Financial and other records sufficiently detailed to enable the association to comply with RCW 64.90.640;

(i) Copies of contracts to which it is or was a party within the last seven years;

(j) Materials relied upon by the board or any committee to approve or deny any requests for design or architectural approval for a period of seven years after the decision is made;

(k) Materials relied upon by the board or any committee concerning a decision to enforce the governing documents for a period of seven years after the decision is made;

(l) Copies of insurance policies under which the association is a named insured;

(m) Any current warranties provided to the association;

(n) Copies of all notices provided to unit owners or the association in accordance with this chapter or the governing documents; and

(o) Ballots, proxies, absentee ballots, and other records related to voting by unit owners for one year after the election, action, or vote to which they relate.

(2)(a) Subject to subsections (3) ((and (4))) through (5) of this section, and except as provided in (b) of this subsection, all records required to be retained by an association must be made available for examination and copying by all unit owners, holders of mortgages on the units, and their respective authorized agents as follows, unless agreed otherwise:

((+a)) (i) During reasonable business hours or at a mutually convenient time and location; and

((+b)) (ii) At the offices of the association or its managing agent.

(b) The list of unit owners required to be retained by an association under subsection (1)(c) of this section is not required to be made available for examination and copying by holders of mortgages on the units.

(3) Records retained by an association ((may be withheld from inspection and copying to the extent that they concern)) must have the following information redacted or otherwise removed prior to disclosure:

(a) Personnel and medical records relating to specific individuals;

(b) Contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated;

(c) Existing or potential litigation or mediation, arbitration, or administrative proceedings;

(d) Existing or potential matters involving federal, state, or local administrative or other formal proceedings before a governmental tribunal for enforcement of the governing documents;

(e) Legal advice or communications that are otherwise protected by the attorney-client privilege or the attorney work product doctrine, including communications with the managing agent or other agent of the association;

(f) Information the disclosure of which would violate a court order or law;

(g) Records of an executive session of the board;

(h) Individual unit files other than those of the requesting unit owner;

(i) Unlisted telephone number or electronic address of any unit owner or resident;

(j) Security access information provided to the association for emergency purposes; or

(k) Agreements that for good cause prohibit disclosure to the members.

(4) In addition to the requirements in subsection (3) of this section, an association must, prior to disclosure of the list of unit owners required to be retained by an association under subsection (1)(c) of this section, redact or otherwise remove the address of any unit owner or resident who is known to the association to be a participant in the address confidentiality program described in chapter 40.24 RCW or any similar program established by law.

((Am)) (5) (a) Except as provided in (b) of this subsection, an association may charge a reasonable fee for producing and providing copies of any records under this section and for supervising the unit owner's inspection.

(b) A unit owner is entitled to receive a free annual electronic or paper copy of the list retained under subsection (1)(c) of this section from the association.

((+5)) (6) A right to copy records under this section includes the right to receive copies by photocopying or other means, including through an electronic transmission if available upon request by the unit owner.

((+6)) (7) An association is not obligated to compile or synthesize information.

((+7)) (8) Information provided pursuant to this section may not be used for commercial purposes.

((+8)) (9) An association's managing agent must deliver all of the association's original books and records to the association immediately upon termination of its management relationship with the association, or upon such other demand as is made by the board. An association managing agent may keep copies of the association records at its own expense."

On page 1, line 2 of the title, after "communities;" strike the remainder of the

title and insert "and amending RCW 64.32.170, 64.34.372, 64.38.045, and 64.90.495."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1043 and advanced the bill, as amended by the Senate, to final passage.

Representatives McEntire and Peterson 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. 1043, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1043, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1043, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1117, with the following amendment(s): 1117-S AMS ENET S1163.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the electric grid is undergoing profound changes. Due to decreasing costs of renewable generation and policies like the clean energy transformation act, the grid is gradually evolving from one built to deliver to the customer electricity from centralized generation plants to one with variable energy resources like wind turbines and solar panels dispersed geographically across a broad landscape. As described in the 2021 Washington state energy strategy, the grid that our region is transitioning to

will require greater transmission capacity and make greater use of energy storage and customer-side resources to manage the generation on the supply side.

As clean electricity replaces fossil fuels in the state's economy, the transmission and distribution infrastructure, the sticks and wires of the grid, must meet increasingly complex service requirements and loads. The changing demand includes, but is not limited to, population changes, vehicle charging, serving other specialized technology that requires high power quality, electrification of building-related end uses now served by fossil fuels, electricity deployed on the customer side of the meter through net metering, community solar programs, and the growth of demand response programs.

Further, the clean energy transformation act requires that utilities making investments in new resources after May 2019, rely on energy efficiency, demand response, renewable resources, and energy storage to the maximum extent feasible, while transitioning away from coal and natural gas-fired generation. Electric utilities are actively working to ensure resource adequacy through the development of explicit resource adequacy standards and a standardized resource adequacy program. This work is ongoing and should result in a binding and enforceable program with a robust public oversight mechanism. Understanding and addressing any energy adequacy challenges created by a deeply decarbonized grid is key to keeping the state's supply of electricity reliable.

Sec. 2. RCW 19.280.065 and 2020 c 63 s 2 are each amended to read as follows:

(1) At least once every twelve months, the department and the commission shall jointly convene a meeting of representatives of the investor-owned utilities and consumer-owned utilities, regional planning organizations, transmission operators, energy analytics experts at Pacific Northwest national laboratory, and other stakeholders to discuss the current, short-term, and long-term adequacy of energy resources to serve the state's electric needs, and address specific steps the utilities can take to coordinate planning in light of the significant changes to the Northwest's power system including, but not limited to, technological developments, retirements of legacy baseload power generation resources, and changes in laws and regulations affecting power supply options. The department and commission shall provide a summary of these meetings, including any specific action items, to the governor and legislature within sixty days of the meeting.

(2) In 2023, the meeting convened by the department and the commission pursuant to subsection (1) of this section must address strategies to ensure power supply adequacy to avoid the risk of rolling blackouts. The meeting must also focus discussion on the extent to which proposed laws and regulations may require new state policy for resource adequacy. The stakeholder meeting should seek to identify regulatory and

statutory incentives to enhance and ensure resource adequacy and reliability. If regional energy analytics capability is established at Pacific Northwest national laboratory, the department and the commission must invite the Pacific Northwest national laboratory to the meeting to provide relevant analytics to inform the discussion.

(3) This section expires January 1, ((2025))2031."

On page 1, beginning on line 3 of the title, after "events;" strike the remainder of the title and insert "amending RCW 19.280.065; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1117 and advanced the bill, as amended by the Senate, to final passage.

Representatives Mosbrucker and Doglio 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. 1117, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1117, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1117, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187, with the following amendment(s): 1187-S.E AMS SHOR S3143.2

On page 7, line 28, after "(c)" insert "The privilege created in this subsection (11) may not interfere with an employee's or

union representative's applicable statutory mandatory reporting requirements, including but not limited to duties to report in chapters 26.44, 43.101, and 74.34 RCW.

(d)"

Correct any internal references accordingly.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187 and advanced the bill, as amended by the Senate, to final passage.

Representatives Hackney and Walsh 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. 1187, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1187, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cory, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1243, with the following amendment(s): 1243 AMS KING S3188.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 14.08.120 and 2021 c 106 s 1 are each amended to read as follows:

(1) In addition to the general powers conferred in this chapter, and without limitation thereof, a municipality that has established or may hereafter establish airports, restricted landing areas, or other

air navigation facilities, or that has acquired or set apart or may hereafter acquire or set apart real property for that purpose or purposes is authorized:

(a) To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, and regulation thereof in an officer, a board, or body of the municipality by ordinance or resolution that prescribes the powers and duties of the officer, board, or body (~~and the municipality may also vest authority for industrial and commercial development in a municipal airport commission consisting of at least five resident taxpayers of the municipality to be appointed by the governing board of the municipality by an ordinance or resolution that includes (i) the terms of office, which may not exceed six years and which shall be staggered so that not more than three terms will expire in the same year, (ii) the method of appointment and filling vacancies, (iii) a provision that there shall be no compensation but may provide for a per diem of not to exceed twenty-five dollars per day plus travel expenses for time spent on commission business, (iv) the powers and duties of the commission, and (v) any other matters necessary to the exercise of the powers relating to industrial and commercial development~~)).

(i) The municipality may also vest authority for the construction, enlargement, improvement, maintenance, equipment, operation, management, industrial and commercial development, and regulation thereof in a municipal airport commission through an ordinance or resolution that includes: (A) The terms of office, which may not exceed six years and which must be staggered so that not more than three terms expire in the same year; (B) the method of appointment and filling vacancies; (C) a provision that there is no compensation, but the provision may provide for a per diem for time spent on commission business of not more than \$25 per day plus travel expenses or, in lieu of travel expenses when travel requires overnight lodging, for a per diem payment of not more than the United States general services administration's per diem rates; (D) the powers and duties of the commission; and (E) any other matters necessary to the exercise of the commission's powers. The expense of the construction, enlargement, improvement, maintenance, equipment, industrial and commercial development, operation, management, and regulation are the responsibility of the municipality.

(ii) The commission consists of at least five members appointed by the governing body of the municipality, subject to the following conditions:

(A) In a municipality with a population of 35,000 or greater, members must be residents of the municipality;

(B) In a municipality with a population of fewer than 35,000, at least a majority of members must be residents of the municipality or the county in which the municipality is located, with any remaining members residents of a county or counties adjoining the municipality or the county in which the municipality is located;

(C) A majority of the commissioners must have expertise in: The aviation industry; business administration or operations; finance; accounting; marketing; economic development; commercial real estate development; engineering; planning and construction; law; utilities; or other related experience from industries that have a logical nexus with airport administration, operations, and development;

(D) Immediate family members of the governing body of the municipality, and current and former employees of the municipal airport, may not be appointed to the commission; and

(E) Members must agree to adhere to the ethical standards of conduct adopted by the municipality or the existing municipal airport commission.

(iii) A municipality may vest authority in a municipal airport commission to apply for loans through the public use general aviation airport loan program.

(b) To adopt and amend all needed rules, regulations, and ordinances for the management, government, and use of any properties under its control, whether within or outside the territorial limits of the municipality; to provide fire protection for the airport, including the acquisition and operation of fire protection equipment and facilities, and the right to contract with any private body or political subdivision of the state for the furnishing of such fire protection; to appoint airport guards or police, with full police powers; to fix by ordinance or resolution, as may be appropriate, penalties for the violation of the rules, regulations, and ordinances, and enforce those penalties in the same manner in which penalties prescribed by other rules, regulations, and ordinances of the municipality are enforced. For the purposes of such management and government and direction of public use, that part of all highways, roads, streets, avenues, boulevards, and territory that adjoins the limits of any airport or restricted landing area acquired or maintained under the provisions of this chapter is under like control and management of the municipality. It may also adopt and enact rules, regulations, and ordinances designed to safeguard the public upon or beyond the limits of private airports or landing strips within the municipality or its police jurisdiction against the perils and hazards of instrumentalities used in aerial navigation. Rules, regulations, and ordinances shall be published as provided by general law or the charter of the municipality for the publication of similar rules, regulations, and ordinances. They shall conform to and be consistent with the laws of this state and the rules of the state department of transportation and shall be kept in conformity, as nearly as may be, with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder and the rules and standards issued from time to time pursuant thereto.

(c) To create a special airport fund, and provide that all receipts from the operation of the airport be deposited in the fund, which fund shall remain intact from year to

year and may be pledged to the payment of aviation bonds, or kept for future maintenance, construction, or operation of airports or airport facilities.

(d) To lease airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department thereof, for operation; to lease or assign to private parties, any municipal or state government or the national government, or any department thereof, for operation or use consistent with the purposes of this chapter, space, area, improvements, or equipment of such airports; to authorize its lessees to construct, alter, repair, or improve the leased premises at the cost of the lessee and to reimburse its lessees for such cost, provided the cost is paid solely out of funds fully collected from the airport's tenants; to sell any part of such airports, other air navigation facilities or real property to any municipal or state government, or to the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities: PROVIDED, That in each case in so doing the public is not deprived of its rightful, equal, and uniform use thereof.

(e) Acting through its governing body, to sell or lease any property, real or personal, acquired for airport purposes and belonging to the municipality, which, in the judgment of its governing body, may not be required for aircraft landings, aircraft takeoffs or related aeronautic purposes, in accordance with the laws of this state, or the provisions of the charter of the municipality, governing the sale or leasing of similar municipally owned property. The municipal airport commission, if one has been organized and appointed under (a) of this subsection, may lease any airport property for aircraft landings, aircraft takeoffs, or related aeronautic purposes. If there is a finding by the governing body of the municipality that any airport property, real or personal, is not required for aircraft landings, aircraft takeoffs, or related aeronautic purposes, then the municipal airport commission may lease such space, land, area, or improvements, or construct improvements, or take leases back for financing purposes, grant concessions on such space, land, area, or improvements, all for industrial or commercial purposes, by private negotiation and under such terms and conditions that seem just and proper to the municipal airport commission. Any such lease of real property for aircraft manufacturing or aircraft industrial purposes or to any manufacturer of aircraft or aircraft parts or for any other business, manufacturing, or industrial purpose or operation relating to, identified with, or in any way dependent upon the use, operation, or maintenance of the airport, or for any commercial or industrial purpose may be made for any period not to exceed ~~((seventy-five))~~ 75 years, but any such lease of real property made for a longer period than ~~((ten))~~ 10

years shall contain provisions requiring the municipality and the lessee to permit the rentals for each five-year period thereafter, to be readjusted at the commencement of each such period if written request for readjustment is given by either party to the other at least ~~((thirty))~~30 days before the commencement of the five-year period for which the readjustment is requested. If the parties cannot agree upon the rentals for the five-year period, they shall submit to have the disputed rentals for the period adjusted by arbitration. The lessee shall pick one arbitrator, and the governing body of the municipality shall pick one, and the two so chosen shall select a third. After a review of all pertinent facts the board of arbitrators may increase or decrease such rentals or continue the previous rate thereof.

The proceeds of the sale of any property the purchase price of which was obtained by the sale of bonds shall be deposited in the bond sinking fund. If all the proceeds of the sale are not needed to pay the principal of bonds remaining unpaid, the remainder shall be paid into the airport fund of the municipality. The proceeds of sales of property the purchase price of which was paid from appropriations of tax funds shall be paid into the airport fund of the municipality.

(f) To determine the charges or rental for the use of any properties under its control and the charges for any services or accommodations, and the terms and conditions under which such properties may be used: PROVIDED, That in all cases the public is not deprived of its rightful, equal, and uniform use of the property. Charges shall be reasonable and uniform for the same class of service and established with due regard to the property and improvements used and the expense of operation to the municipality. The municipality shall have and may enforce liens, as provided by law for liens and enforcement thereof, for repairs to or improvement or storage or care of any personal property, to enforce the payment of any such charges. As used in this subsection (1)(f), the term "charges" does not refer to any minimum labor standard imposed by a municipality pursuant to subsection (2) of this section.

(g) To impose a customer facility charge upon customers of rental car companies accessing the airport for the purposes of financing, designing, constructing, operating, and maintaining consolidated rental car facilities and common use transportation equipment and facilities which are used to transport the customer between the consolidated car rental facilities and other airport facilities. The airport operator may require the rental car companies to collect the facility charges, and any facility charges so collected shall be deposited in a trust account for the benefit of the airport operator and remitted at the direction of the airport operator, but no more often than once per month. The charge shall be calculated on a per-day basis. Facility charges may not exceed the reasonable costs of financing, designing, constructing, operating, and maintaining the consolidated car rental facilities and

common use transportation equipment and facilities and may not be used for any other purpose. For the purposes of this subsection (1)(g), if an airport operator makes use of its own funds to finance the consolidated rental car facilities and common use transportation equipment and facilities, the airport operator (i) is entitled to earn a rate of return on such funds no greater than the interest rate that the airport operator would pay to finance such facilities in the appropriate capital market, provided that the airport operator establish the rate of return in consultation with the rental car companies, and (ii) may use the funds earned under (g)(i) of this subsection for purposes other than those associated with the consolidated rental car facilities and common use transportation equipment and facilities.

(h) To make airport property available for less than fair market rental value under very limited conditions provided that prior to the lease or contract authorizing such use the airport operator's board, commission, or council has (i) adopted a policy that establishes that such lease or other contract enhances the public acceptance of the airport and serves the airport's business interest and (ii) adopted procedures for approval of such lease or other contract.

(i) If the airport operator has adopted the policy and procedures under (h) of this subsection, to lease or license the use of property belonging to the municipality and acquired for airport purposes at less than fair market rental value as long as the municipality's council, board, or commission finds that the following conditions are met:

(i) The lease or license of the subject property enhances public acceptance of the airport in a community in the immediate area of the airport;

(ii) The subject property is put to a desired public recreational or other community use by the community in the immediate area of the airport;

(iii) The desired community use and the community goodwill that would be generated by such community use serves the business interest of the airport in ways that can be articulated and demonstrated;

(iv) The desired community use does not adversely affect the capacity, security, safety, or operations of the airport;

(v) At the time the community use is contemplated, the subject property is not reasonably expected to be used by an aeronautical tenant or otherwise be needed for airport operations in the foreseeable future;

(vi) At the time the community use is contemplated, the subject property would not reasonably be expected to produce more than de minimis revenue;

(vii) If the subject property can be reasonably expected to produce more than de minimis revenue, the community use is permitted only where the revenue to be earned from the community use would approximate the revenue that could be generated by an alternate use;

(viii) Leases for community use must not preclude reuse of the subject property for airport purposes if, in the opinion of the

airport owner, reuse of the subject property would provide greater benefits to the airport than continuation of the community use;

(ix) The airport owner ensures that airport revenue does not support the capital or operating costs associated with the community use;

(x) The lease or other contract for community use is not to a for-profit organization or for the benefit of private individuals;

(xi) The lease or other contract for community use is subject to the requirement that if the term of the lease is for a period that exceeds ~~((ten))~~ 10 years, the lease must contain a provision allowing for a readjustment of the rent every five years after the initial ~~((ten-year))~~ 10-year term;

(xii) The lease or other contract for community use is subject to the requirement that the term of the lease must not exceed ~~((fifty))~~ 50 years; and

(xiii) The lease or other contract for community use is subject to the requirement that if the term of the lease exceeds one year, the lease or other contract obligations must be secured by rental insurance, bond, or other security satisfactory to the municipality's board, council, or commission in an amount equal to at least one year's rent, or as consistent with chapter 53.08 RCW. However, the municipality's board, council, or commission may waive the rent security requirement or lower the amount of the rent security requirement for good cause.

(j) To exercise all powers necessarily incidental to the exercise of the general and special powers granted in this section.

(2)(a) A municipality that controls or operates an airport having had more than ~~((twenty million))~~ 20,000,000 annual commercial air service passenger enplanements on average over the most recent seven full calendar years that is located within the boundaries of a city that has passed a local law or ordinance setting a minimum labor standard that applies to certain employers operating or providing goods and services at the airport is authorized to enact a minimum labor standard that applies to employees working at the airport, so long as the minimum labor standard meets, but does not exceed, the minimum labor standard in the city's law or ordinance.

(b) A municipality's authority to establish a minimum labor standard pursuant to (a) of this subsection may be imposed only on employers that are excluded from the minimum labor standard established by such city because the type of good or service provided by the employer is expressly excluded in the text of the city's law or ordinance.

(c) This section does not authorize a municipality to establish a minimum labor standard for an employer who was excluded from the city's law or ordinance because it is a certificated air carrier performing services for itself or based on the employer's size or number of employees.

(d) The authority granted under (a) of this subsection shall only apply to employers who provide the goods or services

at the airport from facilities that are located on property owned by the municipality and within the boundaries of the city that enacted the minimum labor standard."

On page 1, line 1 of the title, after "commissions;" strike the remainder of the title and insert "and amending RCW 14.08.120."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1243 and advanced the bill, as amended by the Senate, to final passage.

Representatives Dent 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 House Bill No. 1243, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1243, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1243, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293, with the following amendment(s): 1293-S.E AMS LGLT S2540.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows:

(1) For purposes of this section, "design review" means a formally adopted local government process by which projects are reviewed for compliance with design

standards for the type of use adopted through local ordinance.

(2) Except as provided in subsection (3) of this section, counties and cities planning under RCW 36.70A.040 may apply in any design review process only clear and objective development regulations governing the exterior design of new development. For purposes of this section, a clear and objective development regulation:

(a) Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and

(b) May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.

(3) The provisions of subsection (2) of this section do not apply to development regulations that apply only to designated landmarks or historic districts established under a local preservation ordinance.

(4) Any design review process must be conducted concurrently, or otherwise logically integrated, with the consolidated review and decision process for project permits set forth in RCW 36.70B.120(3), and no design review process may include more than one public meeting.

(5) A county or city must comply with the requirements of this section beginning six months after its next periodic comprehensive plan update required under RCW 36.70A.130.

Sec. 2. RCW 36.70B.160 and 1995 c 347 s 420 are each amended to read as follows:

(1) Each local government is encouraged to adopt further project review provisions to provide prompt, coordinated, and objective review and ensure accountability to applicants and the public, including expedited review for project permit applications for projects that are consistent with adopted development regulations or that include dwelling units that are affordable to low-income or moderate-income households and within the capacity of systemwide infrastructure improvements.

(2) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution, where otherwise required by applicable state law.

(3) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

(4) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

(5) For the purposes of this section:

(a) A dwelling unit is affordable if it requires payment of monthly housing costs, including utilities other than telephone, of no more than 30 percent of the family's income.

(b) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or

more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation, and that is sold or rented separately from other dwelling units.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than 80 percent of the median family income, adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development, or less than 80 percent of the city's median income if the project is located in the city, the city has median income of more than 20 percent above the county median income, and the city has adopted an alternative local median income.

(d) "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, or less than 120 percent of the city's median income if the project is located in the city, the city has median income of more than 20 percent above the county median income, and the city has adopted an alternative local median income."

On page 1, line 2 of the title, after "regulations;" strike the remainder of the title and insert "amending RCW 36.70B.160; and adding a new section to chapter 36.70A RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293 and advanced the bill, as amended by the Senate, to final passage.

Representatives Klicker and Peterson 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. 1293, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1293, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, 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

Voting Nay: Representative Pollet

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340, with the following amendment(s): 1340-S.E AMS LOVE S2804.1; 1340-S.E AMS CLEV S3066.1

On page 7, after line 26, insert the following:

"NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 5 of the title, after "18.130.055;" strike "and adding a new section to chapter 18.130 RCW" and insert "adding a new section to chapter 18.130 RCW; and declaring an emergency"

On page 6, after line 10, insert the following:

"(a) The provision of, authorization of, recommendation of, aiding in, assistance in, referral for, or other participation in any reproductive health care services or gender affirming treatment consistent with the standard of care in Washington by a license holder;"

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

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Schmick spoke against 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. 1340, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1340, as amended by the Senate, and the

bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2

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, Hansen, Klicker, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1345, with the following amendment(s): 1345 AMS HS S2333.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.09.470 and 1995 1st sp.s. c 19 s 7 are each amended to read as follows:

To the greatest extent practical, all ~~((inmates))~~ incarcerated individuals shall contribute to the cost of privileges. The department may require incarcerated individuals to contribute to the cost of specific privileges designated by the department in accordance with standards that the department shall develop and adopt to ensure that incarcerated individuals contribute a portion of the department's costs directly associated with providing designated privileges. The department shall establish standards by which ~~((inmates))~~ incarcerated individuals shall contribute a portion of the department's capital costs of providing privileges, including television cable access, ~~((extended family visitation,))~~ weight lifting, and other recreational sports equipment and supplies. The standards shall also require ~~((inmates))~~ incarcerated individuals to contribute a ~~((significant))~~ portion of the department's operating costs directly associated with providing privileges, including staff and supplies. ~~((Inmate contributions))~~ Contributions by incarcerated individuals may be in the form of individual user fees assessed against an ~~((inmate's))~~ incarcerated individual's institution account, deductions from an ~~((inmate's))~~ incarcerated individual's gross wages or gratuities, or ~~((inmates'))~~ collective contributions by incarcerated individuals to the institutional welfare/betterment fund. The department shall make every effort to maximize incarcerated individual ~~((inmate))~~ contributions to

payment for privileges. The department shall not limit ~~((inmates'))~~ incarcerated individuals' financial support for privileges to contributions from the institutional welfare/betterment fund. The standards shall consider the assets available to the ~~((inmates))~~ incarcerated individuals, the cost of administering compliance with the contribution requirements, and shall promote a responsible work ethic."

On page 1, line 2 of the title, after "individuals;" strike the remainder of the title and insert "and amending RCW 72.09.470."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1345 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Mosbrucker spoke against 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. 1345, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1345, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, 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, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1345, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424, with the following amendment(s): 1424-S.E AMS ENGR S2603.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.52.360 and 2021 c 76 s 1 are each amended to read as follows:

(1) Except as provided in this section, a retail pet store may not sell or offer for sale any dog or cat.

(2) A retail pet store that sold or offered for sale any dog prior to July 25, 2021, may sell or offer for sale a dog only if the retail pet store meets the following requirements:

(a) Any dog sold or offered for sale must be sold or offered for sale only at the address identified on the retail pet store's business license, as defined in RCW 19.02.020;

(b) Any dog sold or offered for sale must be obtained either:

(i) Directly from a breeder, including an out-of-state breeder, who satisfies the requirements of RCW 16.52.310; or

(ii) From a United States department of agriculture licensed broker pursuant to the federal animal welfare act, Title 7 U.S.C. Sec. 2131 et seq. as amended, that obtains dogs from a breeder in compliance with this section. A licensed broker shall provide all breeder documentation required by a breeder under this section as well as any applicable federal and state license numbers for the breeder or the broker;

(c) Any dog sold or offered for sale must possess documentation obtained from its breeder, either directly or through a United States department of agriculture licensed broker, demonstrating:

(i) The dog was not separated from its mother prior to the age of eight weeks; and

(ii) The breeder's compliance with RCW 16.52.310 on the date the dog was obtained from the breeder;

(d) A retail pet store shall, prior to obtaining a dog from a breeder or a broker, obtain all inspection reports for the breeder created by the United States department of agriculture within the previous three years, if applicable. A retail pet store shall maintain and, upon request, produce the records for a period of five years following the sale of a dog obtained from a breeder or broker;

(e) Any advertisement, including website postings, offering to sell a dog must include:

(i) A range of prices at which a dog, breed of dog, or dogs having other distinguishing traits are offered for sale;

(ii) The age of the dog; and

(iii) Supporting documentation providing the applicable federal or state license numbers for the breeder of the dog, if applicable;

(f) The retail pet store shall post in a location visible from the entrance of the retail pet store on a kiosk or other form of bulletin board the purchase price, age, and the following information on the dog's breeder:

(i) Full name;

(ii) Kennel name, if applicable;

(iii) City and state; and

(iv) Any applicable state or federal license numbers; and

(g) The retail pet store shall disclose to a prospective consumer in writing, prior to the sale of a dog, the following information about the dog:

(i) The purchase price of the dog; and

(ii) Any applicable federal or state license numbers and an unredacted list of all violations of any federal or state law the dog breeder or cat breeder received in the previous two years on a federal or state inspection report.

(3) A retail pet store may provide space and appropriate care for animals, including dogs and cats, owned by an animal care and control agency or animal rescue group for the purpose of adopting those animals to the public. Each retail pet store shall display on each cage or pen containing a dog or cat a label stating the certificate of source, including the name and address of the animal care and control agency or animal rescue group.

(4)(a) It is a class 1 civil infraction under chapter 7.80 RCW for any person or corporation who violates this section, subject to the maximum infraction of \$250. The civil infraction may be served on the pet store's registered agent.

(i) An enforcement officer as defined in RCW 7.80.040 or an animal control officer under RCW 16.52.015 may investigate and enforce this section.

(ii) Appeals are pursuant to chapter 7.80 RCW.

(b) Any retail pet store that violates this section three or more times over a one-year period is prohibited from selling or offering to sell any dog or cat.

(5) Nothing in this section prohibits any city, town, or county from enacting or enforcing a local ordinance that places greater proscriptions on the sale of any animal by a retail pet store than proscribed by this section or that provides penalties equal to or greater than the penalties provided in this section.

Sec. 2. RCW 16.52.015 and 2011 c 172 s 2 are each amended to read as follows:

(1) Law enforcement agencies and animal care and control agencies may enforce the provisions of this chapter. Animal care and control agencies may enforce the provisions of this chapter in a county or city only if the county or city legislative authority has entered into a contract with the agency to enforce the provisions of this chapter.

(2) Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce this chapter and other criminal laws of the state of Washington.

(3) Animal control officers have the following enforcement powers when enforcing this chapter:

(a) The power to issue civil penalties based on violations under section 1 of this act;

(b) The power to issue citations based on probable cause to offenders for civil infractions and misdemeanor and gross misdemeanor violations of this chapter or RCW 9.08.070 through 9.08.078 or 81.48.070;

~~((b))~~(c) The power to cause a law enforcement officer to arrest and take into custody any person the animal control officer has probable cause to believe has committed or is committing a violation of this chapter or RCW 9.08.070 or 81.48.070. Animal control officers may make an oral complaint to a prosecuting attorney or a law enforcement officer to initiate arrest. The animal control officer causing the arrest shall file with the arresting agency a written complaint within ~~((twenty-four))~~24 hours of the arrest, excluding Sundays and legal holidays, stating the alleged act or acts constituting a violation;

~~((e))~~(d) The power to carry nonfirearm protective devices for personal protection;

~~((d))~~(e) The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate violations of this chapter or RCW 9.08.070 or 81.48.070, and to seize evidence of those violations.

(4) Upon request of an animal control officer who has probable cause to believe that a person has violated this chapter or RCW 9.08.070 or 81.48.070, a law enforcement agency officer may arrest the alleged offender.

Sec. 3. RCW 16.52.310 and 2009 c 286 s 2 are each amended to read as follows:

(1) A person may not own, possess, control, or otherwise have charge or custody of more than ~~((fifty))~~50 dogs with intact sexual organs over the age of six months at any time.

(2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ~~((ten))~~10 dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:

(a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in (a) of this subsection allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified

by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

(i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

(ii) Housing facilities must enable all dogs to remain dry and clean;

(iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

(iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(v) A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury;

(vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

(vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

(viii) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.

(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

(e) Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor.

(4) This section does not apply to the following:

(a) A publicly operated animal control facility or animal shelter;

(b) A private, charitable not-for-profit humane society or animal adoption organization;

(c) A veterinary facility;

(d) A retail pet store;

(e) A research institution;

(f) A boarding facility; or

(g) A grooming facility.

(5) ~~((Subsection (1) of this section does not apply to a commercial dog breeder licensed, before January 1, 2010, by the United States department of agriculture pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.).~~

(6)) For the purposes of this section, the following definitions apply, unless the context clearly requires otherwise:

(a) "Dog" means any member of *Canis lupus familiaris*; and

(b) "Retail pet store" means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, or other animals to be kept as household pets and is regulated by the United States department of agriculture.

NEW SECTION. Sec. 4. A new section is added to chapter 63.10 RCW to read as follows:

A lessor shall not finance a consumer lease for the purchase of a dog or cat. A lease contract entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the lessor shall have no right to collect, receive, or retain any principal, interest, or charges related to the lease contract.

NEW SECTION. Sec. 5. A new section is added to chapter 63.14 RCW to read as follows:

A retail installment transaction entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the retail seller shall have no right to collect, receive, or retain any principal, interest, or charges related to the retail installment transaction.

NEW SECTION. Sec. 6. A new section is added to chapter 31.04 RCW to read as follows:

A licensee shall not finance or make a loan for the purchase of a dog or cat. A loan entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the licensee shall have no right to collect, receive, or retain any principal, interest, or charges related to the loan."

On page 1, line 2 of the title, after "cats;" strike the remainder of the title and insert "amending RCW 16.52.360, 16.52.015, and 16.52.310; adding a new section to chapter 63.10 RCW; adding a new section to chapter 63.14 RCW; adding a new section to chapter 31.04 RCW; and prescribing penalties."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424 and advanced the bill, as amended by the Senate, to final passage.

Representatives Berg and McClintock 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. 1424, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1424, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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 Christian, Dent, McEntire and Walsh

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1527, with the following amendment(s): 1527 AMS ENGR S2285.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.114.010 and 2021 c 207 s 1 are each amended to read as follows:

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

(1) "Assessed value of real property" means the valuation of taxable real property as placed on the last completed assessment roll prepared pursuant to Title 84 RCW.

(2) "Increment area" means the geographic area within which regular property tax revenues are to be apportioned to pay public

improvement costs, as authorized under this chapter.

(3) "Increment value" means 100 percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area (~~is created~~) takes effect. The increment value shall not be less than zero.

(4) "Local government" means any city, town, county, port district, or any combination thereof.

(5) "Ordinance" means any appropriate method of taking legislative action by a local government, including a resolution adopted by a port district organized under Title 53 RCW.

(6) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, required permitting, required environmental studies and mitigation, seismic studies or surveys, archaeological studies or surveys, land surveying, site acquisition, including appurtenant rights and site preparation, construction, reconstruction, rehabilitation, improvement, expansion, and installation of public improvements, and other directly related costs;

(b) Relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including capitalized interest for up to six months following completion of construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary debt service reserves;

(e) Expenses incurred in revaluing real property for the purpose of determining the tax allocation base value by a county assessor under chapter 84.41 RCW and expenses incurred by a county treasurer under chapter 84.56 RCW in apportioning the taxes and complying with this chapter and other applicable law. For purposes of this subsection (6) (e), "expenses incurred" means actual staff and software costs directly related to the implementation and ongoing administration of increment areas under this chapter; and

(f) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of tax increment financing to fund the costs of the public improvements.

(7) "Public improvements" means:

(a) Infrastructure improvements owned by a state or local government within or outside of and serving the increment area (~~that include~~) and real property owned or acquired by a local government within the increment area including:

(i) Street and road construction;

(ii) Water and sewer system construction, expansion, and improvements;

(iii) Sidewalks and other nonmotorized transportation improvements and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities or other transit facilities;

(vi) Park and community facilities and recreational areas;

(vii) Stormwater and drainage management systems;

(viii) Electric, broadband, or rail service;

(ix) Mitigation of brownfields; or

(b) Expenditures for any of the following purposes:

(i) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing housing for the purpose of creating or preserving long-term affordable housing;

(ii) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing child care facilities serving children and youth that are low-income, homeless, or in foster care;

(iii) Providing maintenance and security for the public improvements; ~~((~~o~~))~~

(iv) Historic preservation activities authorized under RCW 35.21.395; or

(v) Relocation and construction of a government-owned facility, with written permission from the agency owning the facility and the office of financial management.

(8) "Real property" means:

(a) Real property as defined in RCW 84.04.090; and

(b) Privately owned or used improvements located on publicly owned land that are subject to property taxation or leasehold excise tax.

(9) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts to the extent necessary for the payments of principal and interest on general obligation debt; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065. Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043. "Regular property taxes" does not include excess property taxes levied by local school districts.

~~((+9))~~ (10) "Tax allocation base value" means the assessed value of real property located within an increment area for taxes imposed in the year in which the increment area ((is first designated)) takes effect.

~~((+10))~~ (11) "Tax allocation revenues" means those revenues derived from the imposition of regular property taxes on the increment value.

~~((+11))~~ (12) "Taxing district" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

Sec. 2. RCW 39.114.020 and 2021 c 207 s 2 are each amended to read as follows:

(1) A local government may designate an increment area under this chapter and use the tax allocation revenues to pay public

improvement costs, subject to the following conditions:

(a) The local government must adopt an ordinance designating an increment area within its boundaries and describing the public improvements proposed to be paid for, or financed with, tax allocation revenues;

(b) The local government may not designate increment area boundaries such that the entirety of its territory falls within an increment area;

(c) The increment area may not have an assessed valuation of more than \$200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinance is passed. If a sponsoring jurisdiction creates two increment areas, the total combined assessed valuation in both of the two increment areas may not equal more than \$200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinances are passed creating the increment areas;

(d) A local government can create no more than two active increment areas at any given time and they may not physically overlap by including the same land in more than one increment area at any time;

(e) The ordinance must set a sunset date for the increment area, which may be no more than 25 years after the first year in which tax allocation revenues are collected from the increment area;

(f) The ordinance must identify the public improvements to be financed and indicate whether the local government intends to issue bonds or other obligations, payable in whole or in part, from tax allocation revenues to finance the public improvement costs, and must estimate the maximum amount of obligations contemplated;

(g) The ordinance must provide that the increment area takes effect on June 1st following the adoption of the ordinance in (a) of this subsection;

(h) The sponsoring jurisdiction may not add additional public improvements to the project after adoption of the ordinance creating the increment area or change the boundaries of the increment area. The sponsoring jurisdiction may expand, alter, or add to the original public improvements when doing so is necessary to assure the originally approved improvements can be constructed or operated;

(i) The ordinance must impose a deadline by which commencement of construction of the public improvements shall begin, which deadline must be at least five years into the future and for which extensions shall be made available for good cause; and

(j) The local government must make a finding that:

(i) The public improvements proposed to be paid or financed with tax allocation revenues are expected to encourage private development within the increment area and to increase the assessed value of real property within the increment area;

(ii) Private development that is anticipated to occur within the increment area as a result of the proposed public improvements will be permitted consistent

with the permitting jurisdiction's applicable zoning and development standards;

(iii) The private development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future without the proposed public improvements; and

(iv) The increased assessed value within the increment area that could reasonably be expected to occur without the proposed public improvements would be less than the increase in the assessed value estimated to result from the proposed development with the proposed public improvements.

(2) In considering whether to designate an increment area, the legislative body of the local government must prepare a project analysis that shall include, but need not be limited to, the following:

(a) A statement of objectives of the local government for the designated increment area;

(b) A statement as to the property within the increment area, if any, that the local government may intend to acquire;

(c) The duration of the increment area;

(d) Identification of all parcels to be included in the area;

(e) A description of the expected private development within the increment area, including a comparison of scenarios with the proposed public improvements and without the proposed public improvements;

(f) A description of the public improvements, estimated public improvement costs, and the estimated amount of bonds or other obligations expected to be issued to finance the public improvement costs and repaid with tax allocation revenues;

(g) The assessed value of real property listed on the tax roll as certified by the county assessor under RCW 84.52.080 from within the increment area and an estimate of the increment value and tax allocation revenues expected to be generated;

(h) An estimate of the job creation reasonably expected to result from the public improvements and the private development expected to occur in the increment area; and

(i) An assessment of any impacts and any necessary mitigation to address the impacts identified on the following:

(i) Affordable and low-income housing;

(ii) The local business community;

(iii) The local school districts; and

(iv) The local fire service.

(3) The local government may charge a private developer, who agrees to participate in creating the increment area, a fee sufficient to cover the cost of the project analysis and establishing the increment area, including staff time, professionals and consultants, and other administrative costs related to establishing the increment area.

(4) Nothing in this section prohibits a local government from entering into an agreement under chapter 39.34 RCW with another local government for the administration or other activities related to tax increment financing authorized under this section.

(5) If the project analysis indicates that an increment area will impact at least 20 percent of the assessed value in a fire

protection district or regional fire protection service authority, or the fire service agency's annual report demonstrates an increase in the level of service directly related to the increment area, the local government must negotiate a mitigation plan with the fire protection district or regional fire protection service authority to address level of service issues in the increment area.

(6) The local government may reimburse the assessor and treasurer for their costs as provided in RCW 39.114.010(6)(e).

(7) Prior to the adoption of an ordinance authorizing creation of an increment area, the local government must:

(a) Hold at least two public briefings for the community solely on the tax increment project that include the description of the increment area, the public improvements proposed to be financed with the tax allocation revenues, and a detailed estimate of tax revenues for the participating local governments and taxing districts, including the amounts allocated to the increment public improvements. The briefings must be announced at least two weeks prior to the date being held, including publishing in a legal newspaper of general circulation and posting information on the local government website and all local government social media sites; and

(b) Submit the project analysis to the office of the treasurer for review and consider any comments that the treasurer may provide upon completion of their review of the project analysis as provided under this subsection. The treasurer must complete the review within 90 days of receipt of the project analysis and may consult with other agencies and outside experts as necessary. Upon completing their review, the treasurer must promptly provide to the local government any comments regarding suggested revisions or enhancements to the project analysis that the treasurer deems appropriate based on the requirements in subsection (2) of this section.

Sec. 3. RCW 39.114.040 and 2021 c 207 s 4 are each amended to read as follows:

The local government designating the increment area must:

(1) Publish notice in a legal newspaper of general circulation within the jurisdiction of the local government at least two weeks before the date on which the ordinance authorizing creation of an increment area is adopted that describes the public improvements, describes the boundaries of the increment area, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

(2) Deliver a certified copy of the adopted ordinance to the county treasurer, the county assessor, and the governing body of each taxing district within which the increment area is located at the respective addresses specified pursuant to RCW 42.56.040 within 10 days of the date on which the ordinance was adopted.

Sec. 4. RCW 39.114.050 and 2021 c 207 s 5 are each amended to read as follows:

Apportionment of taxes shall be as follows:

(1) Commencing in the calendar year immediately following the ~~((passage of the ordinance))~~ calendar year in which the increment area takes effect in accordance with RCW 39.114.020, the county treasurer shall distribute receipts from regular property taxes imposed on real property located in the increment area as follows:

(a) Each taxing district shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the tax allocation base value for that increment area;

(b) The local government that designated the increment area shall be entitled to receive an additional amount equal to the amount derived from the regular property taxes levied by or for each taxing district upon the increment value within the increment area. The local government that designated the increment area shall receive no more than is needed to pay or repay costs directly associated with the public improvements identified in the approved ordinance and may agree to receive less than the full amount of this portion, as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the taxing districts that imposed regular property taxes, or have regular property taxes imposed for them, in the increment area for collection that year in proportion to their regular tax levy rates for collection that year. The local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by tax increment financing; and

(c) This section shall not apply to any receipts from the regular property taxes levied by:

(i) The state for the support of the common schools under RCW 84.52.065;

(ii) Local school district excess levies; and

(iii) Port districts or public utility districts specifically for the purpose of making required payments of principal and interest or general indebtedness.

(2) The apportionment of tax allocation revenues must cease when the taxing district certifies to the county assessor in writing that tax allocation revenues are no longer necessary or obligated to pay public improvement costs, but in no event shall the apportionment of tax allocation revenues continue beyond the sunset date established pursuant to RCW 39.114.020(1)(e). Any excess tax allocation revenues and earnings on the tax allocation revenues remaining at the time the apportionment of tax receipts terminates must be returned to the county treasurer and distributed to the taxing districts that imposed regular property taxes, or had regular property taxes imposed

for it, in the increment area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(3) The apportionment and distribution of portions of the regular property taxes levied by or for each taxing district upon the increment value within the increment area pursuant to and subject to the requirements of this chapter is declared to be a public purpose of and benefit each such taxing district.

(4) The apportionment and distribution of portions of the regular property taxes levied by or for each taxing district upon the increment value within the increment area pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any such taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(5)(a) For a local government having a designated increment area under this chapter as of the effective date of this section, the county assessor must adjust the tax allocation base value for that increment area to include the assessed value of any privately owned improvements located on publicly owned land for taxes imposed in the year in which the increment area was first designated. However, no adjustment is required if the increment area does not include any privately owned improvements located on publicly owned land subject to property taxation as of the date the increment area became effective.

(b) The adjusted tax allocation base value under this subsection (5) does not impact any apportionment and distribution under this section occurring in calendar years before calendar year 2024.

Sec. 5. RCW 84.55.020 and 2014 c 4 s 3 are each amended to read as follows:

Notwithstanding the limitation set forth in RCW 84.55.010, the first levy for a taxing district created from consolidation of similar taxing districts must be set so that the regular property taxes payable in the following year do not exceed the limit factor multiplied by the sum of the amount of regular property taxes lawfully levied for each component taxing district in the highest of the three most recent years in which such taxes were levied for such district plus the additional dollar amount calculated by multiplying the regular property tax rate of each component district for the preceding year by the increase in assessed value in each component district resulting from:

(1) New construction;

(2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(3) Improvements to property; ~~((and))~~

(4) Any increase in the assessed value of state-assessed property; and

(5) Any increase in the assessed value of real property, as defined in RCW 39.114.010, within an increment area as designated by any local government under RCW 39.114.020 if the increase is not included elsewhere under this section. This subsection does not apply to levies by the state or by port districts and public utility districts for the purpose of making required payments of principal and interest on general indebtedness.

Sec. 6. RCW 84.55.030 and 2014 c 4 s 4 are each amended to read as follows:

For the first levy for a taxing district following annexation of additional property, the limitation set forth in RCW 84.55.010 must be increased by an amount equal to the aggregate assessed valuation of the newly annexed property as shown by the current completed and balanced tax rolls of the county or counties within which such property lies, multiplied by the dollar rate that would have been used by the annexing unit in the absence of such annexation, plus the additional dollar amount calculated by multiplying the regular property tax levy rate of that annexing taxing district for the preceding year by the increase in assessed value in the annexing district resulting from:

(1) New construction;

(2) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(3) Improvements to property; ~~((and))~~

(4) Any increase in the assessed value of state-assessed property; and

(5) Any increase in the assessed value of real property, as defined in RCW 39.114.010, within an increment area as designated by any local government in RCW 39.114.020 if the increase is not included elsewhere under this section. This subsection does not apply to levies by the state or by port districts or public utility districts for the purpose of making required payments of principal and interest on general indebtedness.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 11 of the title, after "84.55.010;" strike the remainder of the title and insert "amending RCW 39.114.010, 39.114.020, 39.114.040, 39.114.050, 84.55.020, and 84.55.030; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1527 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Orcutt spoke against 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. 1527, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1527, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 72; Nays, 24; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Ormsby, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Ryu, Sandlin, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Volz, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Bronoske, Chambers, Couture, Dent, Dye, Eslick, Graham, Jacobsen, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Orcutt, Paul, Rule, Santos, Schmick, Shavers, Timmons, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1527, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1663, with the following amendment(s): 1663.E AMS KAUF S3216.2

On page 1, line 19, after "at" strike "special" and insert "general"

On page 1, line 21, after "The" strike "special" and insert "general"

On page 2, line 3, after "in the" strike "special" and insert "general"

On page 2, after line 9, insert the following:

"(2) The respective port districts are encouraged and authorized to share information with residents of each county, including mailed items to households, related to the ballot measure."

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

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1663 and advanced the bill, as amended by the Senate, to final passage.

Representatives Goehner 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 House Bill No. 1663, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1663, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

ENGROSSED HOUSE BILL NO. 1663, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1683, with the following amendment(s): 1683-S AMS HLTC S2525.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Every health carrier offering dental only coverage and every health carrier offering dental only coverage in addition to a health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 2024, shall permit denturists licensed under chapter 18.30 RCW to provide dental services or care included in their benefits package, to the extent that:

(a) The provision of such dental services or care is within the health care providers' permitted scope of practice; and

(b) The providers agree to abide by standards related to:

(i) Provision, utilization review, and cost containment of dental services;

(ii) Management and administrative procedures; and

(iii) Provision of cost-effective and clinically efficacious dental services.

(2) The requirements of subsection (1) of this section do not apply to a licensed health care profession regulated under Title 18 RCW when the licensing statute for the profession states that such requirements do not apply.

(3) For purposes of this section, "health carrier," in addition to the definition in RCW 48.43.005, also includes health care service contractors, limited health care service contractors, and disability insurers offering dental only coverage

(4) This act does not apply to a plan that offers dental only coverage when the plan relies solely on employees of the health carrier for provision of the benefits."

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "and adding a new section to chapter 48.43 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1683 and advanced the bill, as amended by the Senate, to final passage.

Representatives Barnard and Riccelli 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. 1683, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1683, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1683, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1775, with the following amendment(s): 1775 AMS AWWNP S2316.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.85.050 and 2013 c 194 s 1 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIAs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the salmon recovery funding board in accordance with procedures adopted by the board.

(4) The recreation and conservation office shall administer funding to support the functions of lead entities.

(5) ~~(A)~~ Except as provided in subsection (6) of this section, a landowner whose land is used for a habitat project that is included on a habitat project list, and who has received notice from the project sponsor that the conditions of this section have been met, or a regional fisheries enhancement group authorized under RCW 77.95.060 performing habitat restoration activities under this chapter, may not be held civilly liable for any property damages resulting from the habitat project regardless of whether or not the project was funded by the salmon recovery funding board. This subsection is subject to the following conditions:

(a) The project was designed by a licensed professional engineer (PE) or a licensed geologist (LG, LEG, or LHG) with experience in riverine restoration;

(b) The project is designed to withstand ~~((one hundred))~~ 100 year floods;

(c) The project is not located within one-quarter mile of an established downstream boat launch;

(d) The project is designed to allow adequate response time for in-river boaters to safely evade in-stream structures; and

(e) If the project includes large wood placement, each individual root wad and each log larger than ten feet long and one foot in diameter must be visibly tagged with a unique numerical identifier that will withstand typical river conditions for at least three years.

(6) A regional fisheries enhancement group performing habitat restoration activities under this chapter may not be held civilly liable for any property damage resulting from a habitat project performed subject to the conditions specified under subsection (5) of this section unless the damage is due to acts or omissions constituting gross negligence or willful or wanton misconduct."

On page 1, line 2 of the title, after "groups;" strike the remainder of the title and insert "and amending RCW 77.85.050."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1775 and advanced the bill, as amended by the Senate, to final passage.

Representatives Lekanoff and Dent 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. 1775, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1775, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2

Voting Yea: Representatives 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, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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

Voting Nay: Representatives Eslick, Graham and Low
Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1775, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1783, with the following amendment(s): 1783-S AMS WM S2951.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that access to economic development assistance from government and philanthropic sources typically requires careful and skilled writing of grant applications. The legislature finds that trained and skilled grant writers are scarce, and particularly difficult to find in distressed areas with higher rates of unemployment that need economic development assistance. Therefore, the legislature intends to provide the department of commerce with the authority and resources necessary to ensure each county associate development organization can recruit and retain a grant writer.

NEW SECTION. Sec. 2. A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, by July 1, 2024, the department shall establish a grant program to support associate development organizations in the recruiting, hiring, and retention of grant writers. The department must award grants on an annual basis and must prioritize grants for distressed areas as defined under RCW 43.168.020.

(2) Associate development organizations must apply for the grant program in a manner to be determined by the department.

(3) Associate development organizations that receive awards under this section must provide information on the use of the funds, including a description of the associate development organization's recruiting and hiring efforts and, if applicable, the number and types of grants applied for by the grant writers funded by the state, in their annual reports to the department required under RCW 43.330.082.

(4) Beginning December 31, 2026, the department must include information on grant award funding and use in its reports to the legislature on associate development organizations contracts required under RCW 43.330.082.

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

On page 1, line 2 of this title, after "writers;" strike the remainder of the title and insert "adding a new section to chapter 43.330 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1783 and advanced the bill, as amended by the Senate, to final passage.

Representatives Sandlin and Ryu 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. 1783, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1783, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1783, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042, with the following amendment(s): 1042-S.E AMS KUDE S2817.6

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35A.21 RCW to read as follows:

(1) (a) Code cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings that are zoned for commercial or mixed use no later than six months after its next periodic comprehensive plan update required under RCW 36.70A.130.

(b) The requirements of subsection (2) of this section apply and take effect in any code city that has not adopted or amended ordinances, regulations, or other official controls as required under this section by the timeline in (a) of this subsection and supersede, preempt, and invalidate any conflicting local development regulations.

(2) Through ordinances, development regulations, zoning regulations, or other official controls as required under subsection (1) of this section, code cities may not:

(a) Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;

(b) Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added;

(c) With the exception of emergency housing and transitional housing uses, impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(d) Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(e) Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;

(f) Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by the code city, unless the addition of the units would violate applicable building codes or health and safety standards;

(g) Require unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building, however, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code;

(h) Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area; or

(i) Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.

(3) Nothing in this section requires a code city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards.

(4) For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

(1)(a) Cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings that are zoned for commercial or mixed use no later than six months after its next periodic comprehensive plan update required under RCW 36.70A.130.

(b) The requirements of subsection (2) of this section apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section by the timeline in (a) of this subsection and supersede, preempt, and invalidate any conflicting local development regulations.

(2) Through ordinances, development regulations, zoning regulations, or other official controls as required under subsection (1) of this section, cities may not:

(a) Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;

(b) Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added;

(c) With the exception of emergency housing and transitional housing uses, impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(d) Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an

existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;

(e) Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;

(f) Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by each city, unless the addition of the units would violate applicable building codes or health and safety standards;

(g) Require unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building, however, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code;

(h) Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area; or

(i) Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.

(3) Nothing in this section requires a city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards.

(4) For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

NEW SECTION. Sec. 3. A new section is added to chapter 19.27A RCW to read as follows:

By January 1, 2024, the state building code council shall adopt by rule an amendment to the current energy code that waives the requirement for unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building. New dwelling units created within the existing building must meet the requirements of the current energy code.

Sec. 4. RCW 43.21C.450 and 2012 1st sp.s. c 1 s 307 are each amended to read as follows:

The following nonproject actions are categorically exempt from the requirements of this chapter:

(1) Amendments to development regulations that are required to ensure consistency with an adopted comprehensive plan pursuant to RCW 36.70A.040, where the comprehensive plan was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(2) Amendments to development regulations that are required to ensure consistency with a shoreline master program approved pursuant to RCW 90.58.090, where the shoreline master program was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(3) Amendments to development regulations that, upon implementation of a project action, will provide increased environmental protection, limited to the following:

(a) Increased protections for critical areas, such as enhanced buffers or setbacks;

(b) Increased vegetation retention or decreased impervious surface areas in shoreline jurisdiction; and

(c) Increased vegetation retention or decreased impervious surface areas in critical areas;

(4) Amendments to technical codes adopted by a county, city, or town to ensure consistency with minimum standards contained in state law, including the following:

(a) Building codes required by chapter 19.27 RCW;

(b) Energy codes required by chapter 19.27A RCW; and

(c) Electrical codes required by chapter 19.28 RCW.

(5) Adoption or amendment of ordinances, development regulations, zoning regulations, and other official controls necessary to comply with sections 1 and 2 of this act."

On page 1, line 2 of the title, after "buildings;" strike the remainder of the title and insert "amending RCW 43.21C.450; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 19.27A RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042 and advanced the bill, as amended by the Senate, to final passage.

Representatives Walen and Klicker 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. 1042, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1042, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1074, with the following amendment(s): 1074-S AMS MULL S3190.1

On page 10, line 36, after "documentation" insert "equivalent to that required in subsection (1) of this section"

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1074 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Klicker spoke against 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. 1074, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1074, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2

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, Hansen, Kloba, Leavitt, Lekanoff, Macri, McEntire, Mena, Morgan, Ormsby,

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, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1074, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1199, with the following amendment(s): 1199 AMS LAW S2234.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.32 RCW to read as follows:

(1) An association of apartment owners may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that effectively prohibits, unreasonably restricts, or limits, directly or indirectly, the use of an apartment as a licensed family home child care operated by a family day care provider or as a licensed child day care center, except as provided in subsection (2) of this section.

(2)(a) Nothing in this section prohibits an association of apartment owners from imposing reasonable regulations on a family home child care or a child day care center including, but not limited to, architectural standards, as long as those regulations are identical to those applied to all other apartments within the same association as the family home child care or the child day care center.

(b) An association may require that only an apartment with direct access may be used as a family home child care or child day care center. Direct access must be either from the outside of the building or through publicly accessible common areas and facilities.

(c) An association may adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that requires a family home child care or a child day care center operating out of an apartment within the association to:

(i) Be licensed under chapter 43.216 RCW;

(ii) Indemnify and hold harmless the association against all claims, whether brought by judicial or administrative action, relating to the operation of the family home child care or the child day care center, excluding claims arising in common areas and facilities that the association is

solely responsible for maintaining under the governing documents;

(iii) Obtain a signed waiver of liability releasing the association from legal claims directly related to the operation of the family home child care or the child day care center from the parent, guardian, or caretaker of each child being cared for by the family home child care or the child day care center. However, an association may not require that a waiver of liability under this subsection be notarized; and

(iv) Obtain day care insurance as defined in RCW 48.88.020 or provide self-insurance pursuant to chapter 48.90 RCW, consistent with the requirements in RCW 43.216.700.

(3) An association of apartment owners that willfully violates this section is liable to the family day care provider or the child day care center for actual damages, and shall pay a civil penalty to the family day care provider or the child day care center in an amount not to exceed \$1,000.

(4) For the purposes of this section, the terms "family day care provider" and "child day care center" have the same meanings as in RCW 43.216.010.

NEW SECTION. Sec. 2. A new section is added to chapter 64.34 RCW to read as follows:

(1) A unit owners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that effectively prohibits, unreasonably restricts, or limits, directly or indirectly, the use of a unit as a licensed family home child care operated by a family day care provider or as a licensed child day care center, except as provided in subsection (2) of this section.

(2)(a) Nothing in this section prohibits a unit owners' association from imposing reasonable regulations on a family home child care or a child day care center including, but not limited to, architectural standards, as long as those regulations are identical to those applied to all other units within the same association as the family home child care or the child day care center.

(b) An association may require that only a unit with direct access may be used as a family home child care or child day care center. Direct access must be either from the outside of the building or through publicly accessible common elements.

(c) An association may adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that requires a family home child care or a child day care center operating out of a unit within the association to:

(i) Be licensed under chapter 43.216 RCW;

(ii) Indemnify and hold harmless the association against all claims, whether brought by judicial or administrative action, relating to the operation of the family home child care or the child day care center, excluding claims arising in common elements that the association is solely

responsible for maintaining under the governing documents;

(iii) Obtain a signed waiver of liability releasing the association from legal claims directly related to the operation of the family home child care or the child day care center from the parent, guardian, or caretaker of each child being cared for by the family home child care or the child day care center. However, an association may not require that a waiver of liability under this subsection be notarized; and

(iv) Obtain day care insurance as defined in RCW 48.88.020 or provide self-insurance pursuant to chapter 48.90 RCW, consistent with the requirements in RCW 43.216.700.

(3) A unit owners' association that willfully violates this section is liable to the family day care provider or the child day care center for actual damages, and shall pay a civil penalty to the family day care provider or the child day care center in an amount not to exceed \$1,000.

(4) For the purposes of this section, the terms "family day care provider" and "child day care center" have the same meanings as in RCW 43.216.010.

NEW SECTION. Sec. 3. A new section is added to chapter 64.38 RCW to read as follows:

(1) A homeowners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that effectively prohibits, unreasonably restricts, or limits, directly or indirectly, the use of a lot as a licensed family home child care operated by a family day care provider or as a licensed child day care center, except as provided in subsection (2) of this section.

(2)(a) Nothing in this section prohibits a homeowners' association from imposing reasonable regulations on a family home child care or a child day care center including, but not limited to, architectural standards, as long as those regulations are identical to those applied to all other lots within the same association as the family home child care or the child day care center.

(b) An association may require that only a lot with direct access may be used as a family home child care or child day care center. Direct access must be through publicly accessible common areas.

(c) An association may adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that requires a family home child care or a child day care center operating out of a lot within the association to:

(i) Be licensed under chapter 43.216 RCW;

(ii) Indemnify and hold harmless the association against all claims, whether brought by judicial or administrative action, relating to the operation of the family home child care or the child day care center, excluding claims arising in common areas that the association is solely responsible for maintaining under the governing documents;

(iii) Obtain a signed waiver of liability releasing the association from legal claims directly related to the operation of the family home child care or the child day care center from the parent, guardian, or caretaker of each child being cared for by the family home child care or the child day care center. However, an association may not require that a waiver of liability under this subsection be notarized; and

(iv) Obtain day care insurance as defined in RCW 48.88.020 or provide self-insurance pursuant to chapter 48.90 RCW, consistent with the requirements in RCW 43.216.700.

(3) A homeowners' association that willfully violates this section is liable to the family day care provider or the child day care center for actual damages, and shall pay a civil penalty to the family day care provider or the child day care center in an amount not to exceed \$1,000.

(4) For the purposes of this section, the terms "family day care provider" and "child day care center" have the same meanings as in RCW 43.216.010.

NEW SECTION. Sec. 4. A new section is added to chapter 64.90 RCW to read as follows:

(1) A unit owners association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that effectively prohibits, unreasonably restricts, or limits, directly or indirectly, the use of a unit as a licensed family home child care operated by a family day care provider or as a licensed child day care center, except as provided in subsection (2) of this section.

(2)(a) Nothing in this section prohibits a unit owners' association from imposing reasonable regulations on a family home child care or a child day care center including, but not limited to, architectural standards, as long as those regulations are identical to those applied to all other units within the same association as the family home child care or the child day care center.

(b) An association may require that only a unit with direct access may be used as a family home child care or child day care center. Direct access must be either from the outside of the building if the common interest community is in a building, or through publicly accessible common elements.

(c) An association may adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that requires a family home child care or a child day care center operating out of a unit within the association to:

(i) Be licensed under chapter 43.216 RCW;

(ii) Indemnify and hold harmless the association against all claims, whether brought by judicial or administrative action, relating to the operation of the family home child care or the child day care center, excluding claims arising in common elements that the association is solely responsible for maintaining under the governing documents;

(iii) Obtain a signed waiver of liability releasing the association from legal claims directly related to the operation of the family home child care or the child day care center from the parent, guardian, or caretaker of each child being cared for by the family home child care or the child day care center. However, an association may not require that a waiver of liability under this subsection be notarized; and

(iv) Obtain day care insurance as defined in RCW 48.88.020 or provide self-insurance pursuant to chapter 48.90 RCW, consistent with the requirements in RCW 43.216.700.

(3) A unit owners association that willfully violates this section is liable to the family day care provider or the child day care center for actual damages, and shall pay a civil penalty to the family day care provider or the child day care center in an amount not to exceed \$1,000.

(4) For the purposes of this section, the terms "family day care provider" and "child day care center" have the same meanings as in RCW 43.216.010.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "communities;" strike the remainder of the title and insert "adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1199 and advanced the bill, as amended by the Senate, to final passage.

Representatives Senn and Klicker 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. 1199, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1199, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1199, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1200, with the following amendment(s): 1200-S AMS ENGR S2694.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.56 RCW to read as follows:

(1) If the employer has the information in the employer's records, the employer shall provide to the exclusive bargaining representative the following information for each employee in an appropriate bargaining unit:

(a) The employee's name and date of hire;

(b) The employee's contact information, including: (i) Cellular, home, and work telephone numbers; (ii) work and the most up-to-date personal email addresses; and (iii) home address or personal mailing address; and

(c) Employment information, including the employee's job title, salary or rate of pay, and work site location or duty station.

(2) The employer must provide the information to the exclusive bargaining representative in an editable digital file format:

(a) Within 21 business days from the date of hire for a newly hired employee in an appropriate bargaining unit; and

(b) Every 120 business days for all employees in an appropriate bargaining unit.

(3) When there is a state-level representative of the exclusive bargaining representative for a bargaining unit, the employer may provide the information to the state-level representative.

(4) The exclusive bargaining representative may use the information provided under this section only for representation purposes. This section does not give authority to any exclusive bargaining representative to sell or provide access to lists of employees or the information provided to the exclusive bargaining representative pursuant to this section requested for commercial purposes.

(5) If an employer fails to comply with this section, the exclusive bargaining representative may bring a court action to enforce compliance. The court may order the employer to pay costs and reasonable attorneys' fees incurred by the exclusive bargaining representative.

(6) (a) This section does not apply to an employer specifically prohibited under its

requirements as a cleared United States department of defense contractor from providing the employee information listed under subsection (1) of this section only for those employees covered by such requirements. The employer is required to provide the employee information under subsection (1) of this section for all employees not covered by the employer's requirements as a cleared United States department of defense contractor.

(b) This subsection (6) does not limit the employee information an employer must provide an exclusive bargaining representative pursuant to its duty to bargain in good faith or any other duty or obligation under applicable collective bargaining law, nor does this subsection (6) prohibit bargaining over the provision of employee information under applicable collective bargaining law.

NEW SECTION. Sec. 2. A new section is added to chapter 41.59 RCW to read as follows:

Section 1 of this act applies to this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.52 RCW to read as follows:

Section 1 of this act applies to this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 41.80 RCW to read as follows:

Section 1 of this act applies to the following employers subject to this chapter:

- (1) Western Washington University;
- (2) Central Washington University;
- (3) Eastern Washington University; and
- (4) The Evergreen State College."

On page 1, line 2 of the title, after "representatives;" strike the remainder of the title and insert "adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 28B.52 RCW; and adding a new section to chapter 41.80 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1200 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Robertson spoke against 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. 1200, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1200, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, 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, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1200, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1271, with the following amendment(s): 1271-S AMS TRAN S2251.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:

"Organ transport vehicle" means any vehicle operated or contracted by an organ procurement organization as defined in RCW 68.64.010, and clearly and identifiably marked as such on all sides of the vehicle.

Sec. 2. RCW 68.64.010 and 2010 c 161 s 1156 are each amended to read as follows:

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

(1) "Adult" means an individual who is at least ~~((eighteen))~~ 18 years old.

(2) "Agent" means an individual:

(a) Authorized to make health care decisions on the principal's behalf by a power of attorney for health care; or

(b) Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(4) "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift.

(5) "Disinterested witness" means a witness other than the spouse or state registered domestic partner, child, parent,

sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift. The term does not include a person to which an anatomical gift could pass under RCW 68.64.100.

(6) "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card, or donor registry.

(7) "Donor" means an individual whose body or part is the subject of an anatomical gift.

(8) "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(9) "Driver's license" means a license or permit issued by the department of licensing to operate a vehicle, whether or not conditions are attached to the license or permit.

(10) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(11) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(12) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(13) "Identification card" means an identification card issued by the department of licensing.

(14) "Know" means to have actual knowledge.

(15) "Minor" means an individual who is less than ~~((eighteen))~~ 18 years old.

(16) "Organ procurement organization" means a person designated by the secretary of the United States department of health and human services as an organ procurement organization.

(17) "Parent" means a parent whose parental rights have not been terminated.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) "Physician" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathic medicine and surgery under the law of any state.

(21) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(22) "Prospective donor" means an individual whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education.

"Prospective donor" does not include an individual who has made a refusal.

(23) "Reasonable costs" include: (a) Programming and software installation and upgrades; (b) employee training that is specific to the organ and tissue donor registry or the donation program created in RCW 46.16A.090(2); (c) literature that is specific to the organ and tissue donor registry or the donation program created in RCW 46.16A.090(2); and (d) hardware upgrades or other issues important to the organ and tissue donor registry or the donation program created in RCW 46.16A.090(2) that have been mutually agreed upon in advance by the department of licensing and the Washington state organ procurement organizations.

(24) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Refusal" means a record created under RCW 68.64.060 that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part.

(28) "Sign" means, with the present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

(31) "Time sensitive organ or tissue donor" means an organ being transported for human transplant or a tissue donor being transported for the purpose of recovery that is time sensitive but not an emergency.

(32) "Time urgent organ" means an organ being transported for human transplant that a member of the transplant team or a representative of the organ procurement organization declares an emergency.

(33) "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

~~((32))~~ (34) "Tissue bank" means a person that is licensed to conduct business in this state, accredited, and regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

~~((33))~~ (35) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

~~((34))~~ (36) "Washington state organ procurement organization" means an organ procurement organization that has been designated by the United States department of health and human services to coordinate organ procurement activities for any portion of Washington state.

Sec. 3. RCW 46.37.190 and 2020 c 95 s 1 are each amended to read as follows:

(1) Every authorized emergency vehicle and organ transport vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least ~~((five hundred))~~ 500 feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than ~~((fourteen))~~ 14 by ~~((eighteen))~~ 18 inches displaying the word "stop" in letters of distinctly contrasting colors not less than five and nine-tenths inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at ~~((five hundred))~~ 500 feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the state patrol for that purpose. The state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, ~~((or))~~ an authorized emergency or law enforcement vehicle, or an organ transport vehicle.

(5) The use of the signal equipment described in this section and RCW 46.37.670, except the signal preemption devices used by public transit vehicles and department of transportation, city, or county maintenance vehicles that are not used in conjunction with emergency equipment, shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

Sec. 4. RCW 46.37.380 and 2010 c 8 s 9052 are each amended to read as follows:

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of

emitting sound audible under normal conditions from a distance of not less than ~~((two hundred))~~ 200 feet, but no horn or other warning device may emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his or her horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle may be equipped with nor may any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible for any vehicle to be equipped with a theft alarm signal device so long as it is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than ~~((five hundred))~~ 500 feet and of a type conforming to rules adopted by the state patrol, but the siren shall not be used except when the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter events the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

(5) Any organ transport vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type conforming to rules adopted by the state patrol, but the siren shall not be used except when the vehicle is transporting a time urgent organ as defined in RCW 68.64.010, in which case the driver of the vehicle shall sound the siren when reasonably necessary to warn pedestrians and other drivers of its approach.

Sec. 5. RCW 46.37.670 and 2005 c 183 s 2 are each amended to read as follows:

(1) Signal preemption devices shall not be installed or used on or with any vehicle other than an emergency vehicle authorized by the state patrol, an organ transport vehicle, a publicly owned law enforcement or emergency vehicle, a department of transportation, city, or county maintenance vehicle, or a public transit vehicle.

(2) This section does not apply to any of the following:

(a) A law enforcement agency and law enforcement personnel in the course of providing law enforcement services;

(b) A fire station or a firefighter in the course of providing fire prevention or fire extinguishing services;

(c) An emergency medical service or ambulance in the course of providing emergency medical transportation or ambulance services;

(d) An operator, passenger, or owner of an authorized emergency vehicle in the course of his or her emergency duties;

(e) A driver of an organ transport vehicle when a vehicle is transporting a time urgent organ as defined in RCW 68.64.010;

(f) Department of transportation, city, or county maintenance personnel while performing maintenance;

~~((f))~~ (g) Public transit personnel in the performance of their duties. However, public transit personnel operating a signal preemption device shall have second degree priority to law enforcement personnel, firefighters, emergency medical personnel, and other authorized emergency vehicle personnel, when simultaneously approaching the same traffic control signal;

~~((g))~~ (h) A mail or package delivery service or employee or agent of a mail or package delivery service in the course of shipping or delivering a signal preemption device;

~~((h))~~ (i) An employee or agent of a signal preemption device manufacturer or retailer in the course of his or her employment in providing, selling, manufacturing, or transporting a signal preemption device to an individual or agency described in this subsection.

Sec. 6. RCW 46.61.210 and 1965 ex.s. c 155 s 32 are each amended to read as follows:

(1) Upon the immediate approach of an authorized emergency vehicle, or organ transport vehicle transporting a time urgent organ as defined in RCW 68.64.010, making use of audible and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle properly and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle or organ transport vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle or organ transport vehicle from the duty to drive with due regard for the safety of all persons using the highway. To the greatest extent practicable, organ transport services as defined in RCW 18.73.030 shall notify the state patrol when an organ transport vehicle is operating under the provisions of this section.

Sec. 7. RCW 46.61.165 and 2019 c 467 s 3 are each amended to read as follows:

(1) The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of one or more of the following: (a) Public transportation vehicles; (b) motorcycles; (c) private motor vehicles carrying no fewer than a specified number of passengers; ~~((e))~~ (d) organ transport vehicles transporting a time urgent organ or a time sensitive organ or tissue donor as

defined in RCW 68.64.010; or (e) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are authorized pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) The state department of transportation and the local authorities authorized to reserve all or any portion of any highway under their respective jurisdictions, for exclusive or preferential use, may prohibit the use of a high occupancy vehicle lane by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle lane fails to meet department of transportation standards and falls below (~~(forty-five)~~)45 miles per hour at least (~~(ninety)~~)90 percent of the time during the peak hours, as determined by the department of transportation or the local authority, whichever operates the facility.

(4) Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction. A person who commits a traffic infraction under this section is also subject to additional monetary penalties as defined in this subsection. The additional monetary penalties are separate from the base penalty, fees, and assessments issued for the traffic infraction and are intended to raise awareness, and improve the efficiency, of the high occupancy vehicle lane system.

(a) Whenever a person commits a traffic infraction under this section, an additional monetary penalty of (~~(fifty dollars)~~)\$50 must be collected, and, in the case that a person has already committed a violation

under this section within two years of committing this violation, then an additional (~~(one hundred fifty dollars)~~)\$150 must be collected.

(b) Any time a person commits a traffic infraction under this section and is using a dummy, doll, or other human facsimile to make it appear that an additional person is in the vehicle, the person must be assessed a (~~(two hundred dollar)~~)\$200 penalty, which is in addition to the penalties in (a) of this subsection.

(c) The monetary penalties under (a) and (b) of this subsection are additional, separate, and distinct penalties from the base penalty and are not subject to fees or assessments specified in RCW 46.63.110, 3.62.090, and 2.68.040.

(d) (i) The additional penalties collected under (a) of this subsection must be distributed as follows:

(A) Twenty-five percent must be deposited into the congestion relief and traffic safety account created under RCW 46.68.398; and

(B) Seventy-five percent must be deposited into the motor vehicle fund created under RCW 46.68.070.

(ii) The additional penalty collected under (b) of this subsection must be deposited into the congestion relief and traffic safety account created under RCW 46.68.398.

(e) Violations committed under this section are excluded from eligibility as a moving violation for driver's license suspension under RCW 46.20.289 when a person subsequently fails to respond to a notice of traffic infraction for this moving violation, fails to appear at a requested hearing for this moving violation, violates a written promise to appear in court for a notice of infraction for this moving violation, or fails to comply with the terms of a notice of traffic infraction for this moving violation.

(5) Local authorities are encouraged to establish a process for private transportation providers, as described under subsections (1) and (3) of this section, to apply for the use of public transportation facilities reserved for the exclusive or preferential use of public transportation vehicles. The application and review processes should be uniform and should provide for an expeditious response by the local authority. Whenever practicable, local authorities should enter into agreements with such private transportation providers to allow for the reasonable use of these facilities.

(6) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department of transportation, and is offered by an employer for the benefit of its employees.

Sec. 8. RCW 47.52.025 and 2013 c 26 s 3 are each amended to read as follows:

(1) Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of (a) public transportation vehicles, (b) privately owned buses, (c) motorcycles, (d) private motor vehicles carrying not less than a specified number of passengers, ~~((e))~~ (e) organ transport vehicles transporting a time urgent organ or a time sensitive organ or tissue donor as defined in RCW 68.64.010, or (f) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are reserved pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) Highway authorities of the state, counties, or incorporated cities and towns may prohibit the use of limited access facilities by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle travel lane fails to meet department standards and falls below ~~((forty-five))~~ 45 miles per hour at least

~~((ninety))~~ 90 percent of the time during the peak hours for two consecutive months.

(4) (a) Local authorities are encouraged to establish a process for private transportation providers, described under subsections (1) and (3) of this section, to apply for the use of limited access facilities that are reserved for the exclusive or preferential use of public transportation vehicles.

(b) The process must provide a list of facilities that the local authority determines to be unavailable for use by the private transportation provider and must provide the criteria used to reach that determination.

(c) The application and review processes must be uniform and should provide for an expeditious response by the authority.

(5) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department, and is offered by an employer for the benefit of its employees.

Sec. 9. RCW 18.73.140 and 2000 c 93 s 19 are each amended to read as follows:

The secretary shall issue an ambulance, organ transport vehicle, or aid vehicle license for each vehicle so designated. The license shall be for a period of two years and may be reissued on expiration if the vehicle and its equipment meet requirements in force at the time of expiration of the license period. The license may be revoked if the ambulance, organ transport vehicle, or aid vehicle is found to be operating in violation of the regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of any organization not currently licensed as an ambulance, organ transport vehicle, or aid vehicle service. The license number shall be prominently displayed on each vehicle.

Sec. 10. RCW 18.73.081 and 2022 c 136 s 3 are each amended to read as follows:

In addition to other duties prescribed by law, the secretary shall:

(1) Prescribe minimum requirements for:

(a) Ambulance, air ambulance, organ transport vehicles, and aid vehicles and equipment;

(b) Ambulance and aid services; and

(c) Minimum emergency communication equipment;

(2) Adopt procedures for services that fail to perform in accordance with minimum requirements;

(3) Prescribe minimum standards for first responder and emergency medical technician training including:

(a) Adoption of curriculum and period of certification;

(b) Procedures for provisional certification, certification, recertification, decertification, or modification of certificates;

(c) Adoption of requirements for ongoing training and evaluation, as approved by the county medical program director, to include appropriate evaluation for individual knowledge and skills. The first responder, emergency medical technician, or emergency medical services provider agency may elect a program of continuing education and a written and practical examination instead of meeting the ongoing training and evaluation requirements;

(d) Procedures for reciprocity with other states or national certifying agencies;

(e) Review and approval or disapproval of training programs; and

(f) Adoption of standards for numbers and qualifications of instructional personnel required for first responder and emergency medical technician training programs;

(4) Prescribe minimum requirements for liability insurance to be carried by licensed services except that this requirement shall not apply to public bodies; and

(5) Certify emergency medical program directors.

Sec. 11. RCW 18.73.030 and 2022 c 136 s 1 are each amended to read as follows:

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

(1) "Advanced life support" means invasive emergency medical services requiring advanced medical treatment skills as defined by chapter 18.71 RCW.

(2) "Aid service" means an organization that operates one or more aid vehicles.

(3) "Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical procedure.

(4) "Ambulance" means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

(5) "Ambulance service" means an organization that operates one or more ambulances.

(6) "Basic life support" means noninvasive emergency medical services requiring basic medical treatment skills as defined in this chapter.

(7) "Collaborative medical care" means medical treatment and care provided pursuant to agreements with local, regional, or state public health agencies to control and prevent the spread of communicable diseases which is rendered separately from emergency medical service.

(8) "Communications system" means a radio and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services and trauma care system.

(9) "Council" means the local or regional emergency medical services and trauma care council as authorized under chapter 70.168 RCW.

(10) "Department" means the department of health.

(11) "Emergency medical service" means medical treatment and care which may be

rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

(12) "Emergency medical services medical program director" means a person who is an approved medical program director as defined by RCW 18.71.205(4).

(13) "Emergency medical technician" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.081, under the responsible supervision and direction of an approved medical program director, which may include participating in an emergency services supervisory organization or a community assistance referral and education services program established under RCW 35.21.930, or providing collaborative medical care if the participation or provision of collaborative medical care does not exceed the participant's training and certification.

(14) "Emergency services supervisory organization" means an entity that is authorized by the secretary to use certified emergency medical services personnel to provide medical evaluation or initial treatment, or both, to sick or injured people, while in the course of duties with the organization for on-site medical care prior to any necessary activation of emergency medical services. Emergency services supervisory organizations include law enforcement agencies, disaster management organizations, search and rescue operations, diversion centers, and businesses with organized industrial safety teams.

(15) "First responder" means a person who is authorized by the secretary to render emergency medical care as defined by RCW 18.73.081.

(16) "Organ transport service" means an organization that operates one or more organ transport vehicles.

(17) "Organ transport vehicle" has the same meaning as in section 1 of this act.

(18) "Patient care procedures" means written operating guidelines adopted by the regional emergency medical services and trauma care council, in consultation with the local emergency medical services and trauma care councils, emergency communication centers, and the emergency medical services medical program director, in accordance with statewide minimum standards. The patient care procedures shall identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures in chapter 70.170 RCW.

~~((17))~~ (19) "Prehospital patient care protocols" means the written procedure adopted by the emergency medical services medical program director which direct the out-of-hospital emergency care of the emergency patient which includes the trauma care patient. These procedures shall be

based upon the assessment of the patient's medical needs and what treatment will be provided for emergency conditions. The protocols shall meet or exceed statewide minimum standards developed by the department in rule as authorized in chapter 70.168 RCW.

((18)) (20) "Secretary" means the secretary of the department of health.

((19)) (21) "Stretcher" means a cart designed to serve as a litter for the transportation of a patient in a prone or supine position as is commonly used in the ambulance industry, such as wheeled stretchers, portable stretchers, stair chairs, solid backboards, scoop stretchers, basket stretchers, or flexible stretchers. The term does not include personal mobility aids that recline at an angle or remain at a flat position, that are owned or leased for a period of at least one week by the individual using the equipment or the individual's guardian or representative, such as wheelchairs, personal gurneys, or banana carts.

NEW SECTION. Sec. 12. A new section is added to chapter 18.73 RCW to read as follows:

(1) An organ transport service may not operate in the state of Washington without holding a license for such operation, issued by the secretary in consultation with the department of licensing.

(2) Organ transport services must ensure that personnel operating organ transport vehicles:

(a) Are at least 25 years of age;

(b) Are a current, previous, or retired police officer, firefighter, or EMS provider;

(c) Have a minimum of five years' experience operating a police, fire department, or emergency medical service vehicle under emergency conditions;

(d) Have passed a preemployment driver's license check showing no more than one moving vehicle violation in a rolling three-year period, with annual license reviews thereafter;

(e) Have passed a preemployment drug screen, with random drug screenings thereafter;

(f) Have passed state and national criminal background checks; and

(g) Have completed an emergency vehicle operators course and a defensive drivers course.

(3) An organ transport service shall maintain:

(a) Commercial general liability insurance in the amount of \$5,000,000/\$10,000,000 aggregate;

(b) Automobile liability insurance in the amount of \$5,000,000; and

(c) An umbrella policy in the amount of \$2,000,000.

(4) The license shall be valid for a period of two years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of licensing and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable and may be

revoked if the service is found in violation of rules adopted by the department.

(5) The department, in consultation with the department of licensing, shall adopt rules under chapter 34.05 RCW to implement this section.

(6) Employment as a driver for organ transport vehicles does not add to the scope of practice for a current EMS provider and is not considered employment as an EMS provider.

(7) The secretary shall not establish fees for the license and renewals for an organ transport service or vehicle."

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 68.64.010, 46.37.190, 46.37.380, 46.37.670, 46.61.210, 46.61.165, 47.52.025, 18.73.140, 18.73.081, and 18.73.030; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 18.73 RCW."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1271 and advanced the bill, as amended by the Senate, to final passage.

Representatives Low and Donaghy 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. 1271, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1271, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1271, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1337, with the following amendment(s): 1337.E AMS ENGR S2572.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters across the income spectrum.

(b) Many cities dedicate the majority of residentially zoned land to single detached houses that are increasingly financially out of reach for many households. Due to their smaller size, accessory dwelling units can provide a more affordable housing option in those single-family zones.

(c) Localities can start to correct for historic economic and racial exclusion in single-family zones by opening up these neighborhoods to more diverse housing types, including accessory dwelling units, that provide lower cost homes. Increasing housing options in expensive, high-opportunity neighborhoods will give more families access to schools, parks, and other public amenities otherwise accessible to only the wealthy.

(d) Accessory dwelling units are frequently rented below market rate, providing additional affordable housing options for renters.

(e) Accessory dwelling units can also help to provide housing for very low-income households. More than 10 percent of accessory dwelling units in some areas are occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require subsidized housing space and resources.

(f) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(g) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(h) Accessory dwelling units provide environmental benefits. On average they are more energy efficient than single detached houses, and they incentivize adaptive reuse of existing homes and materials.

(i) Siting accessory dwelling units near transit hubs, employment centers, and public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and curtailing sprawl.

(2) The legislature intends to promote and encourage the creation of accessory

dwelling units as a means to address the need for additional affordable housing options.

Sec. 2. RCW 36.70A.696 and 2021 c 306 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 36.70A.697 ~~((and))~~, 36.70A.698, and sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

(5) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

(6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(7) "Gross floor area" means the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.

(8) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

~~((8))~~ (9) "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

~~((9))~~ (10) "Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

(11) "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) (a) Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of section 4 of this act, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

(b) In any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section and section 4 of this act supersede, preempt, and invalidate any conflicting local development regulations.

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and section 4 of this act must only apply in the portions of towns, cities, and counties that are within urban growth areas designated under this chapter.

(3) Any action taken by a city or county to comply with the requirements of this section or section 4 of this act is not subject to legal challenge under this chapter or chapter 43.21C RCW.

(4) Nothing in this section or section 4 of this act requires or authorizes a city or county to authorize the construction of an accessory dwelling unit in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

(5) Nothing in this section or in section 4 of this act prohibits a city or county from:

(a) Restricting the use of accessory dwelling units for short-term rentals;

(b) Applying public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater;

(c) Applying generally applicable development regulations to the construction of an accessory unit, except when the application of such regulations would be contrary to this section or to section 4 of this act;

(d) Prohibiting the construction of accessory dwelling units on lots that are not connected to or served by public sewers; or

(e) Prohibiting or restricting the construction of accessory dwelling units in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas.

NEW SECTION. Sec. 4. A new section is added to chapter 36.70A RCW to read as follows:

(1) In addition to ordinances, development regulations, and other official controls adopted or amended to comply with this section and section 3 of this act, a

city or county must comply with all of the following policies:

(a) The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;

(b) The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot;

(c) The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures;

(d) The city or county must permit accessory dwelling units in structures detached from the principal unit;

(e) The city or county must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit;

(f) The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet;

(g) The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit;

(h) A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units;

(i) A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;

(j) A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage;

(k) A city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit; and

(l) A city or county may not require public street improvements as a condition of permitting accessory dwelling units.

(2) (a) A city or county subject to the requirements of this section may not:

(i) Require off-street parking as a condition of permitting development of accessory dwelling units within one-half mile walking distance of a major transit stop;

(ii) Require more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and

(iii) Require more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

(b) The provisions of (a) of this subsection do not apply:

(i) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of (a) of this subsection for accessory dwelling units will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities and counties on items to include in the study; or

(ii) To portions of cities within a one mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(3) When regulating accessory dwelling units, cities and counties may impose a limit of two accessory dwelling units, in addition to the principal unit, on a residential lot of 2,000 square feet or less.

(4) The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in RCW 36.70A.060, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of the effective date of this section, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).

NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:

To encourage the use of accessory dwelling units for long-term housing, cities and counties may adopt ordinances, development regulations, and other official controls which waive or defer fees, including impact fees, defer the payment of taxes, or waive specific regulations. Cities and counties may only offer such reduced or deferred fees, deferred taxes, waivers, or other incentives for the development or construction of accessory dwelling units if:

(1) The units are located within an urban growth area; and

(2) The units are subject to a program adopted by the city or county with effective binding commitments or covenants that the

units will be primarily utilized for long-term housing consistent with the public purpose for this authorization.

Sec. 6. RCW 43.21C.495 and 2022 c 246 s 3 are each amended to read as follows:

(1) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city to implement: The actions specified in section 2, chapter 246, Laws of 2022 unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat; and the increased residential building capacity actions identified in RCW 36.70A.600(1), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

~~(2) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city or county consistent with the requirements of sections 3 and 4 of this act are not subject to administrative or judicial appeals under this chapter.~~

Sec. 7. RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance ~~((with RCW 36.70A.5801))~~ based on a city or county's actions taken to implement the requirements of sections 3 and 4 of this act within an urban growth area;

(b) That the ~~((twenty-))~~20-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; or

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within ~~((sixty))~~60 days of filing the request with

the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

NEW SECTION. Sec. 8. A new section is added to chapter 36.70A RCW to read as follows:

(1) By December 31, 2023, the department must revise its recommendations for encouraging accessory dwelling units to include the provisions of sections 3 and 4 of this act.

(2) During each comprehensive plan review required by RCW 36.70A.130, the department must review local government comprehensive plans and development regulations for compliance with sections 3 and 4 of this act and the department's recommendations under subsection (1) of this section.

NEW SECTION. Sec. 9. A new section is added to chapter 64.34 RCW to read as follows:

(1) Except a declaration created to protect public health and safety, and ground and surface waters from on-site wastewater, a declaration created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling

unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

NEW SECTION. Sec. 10. A new section is added to chapter 64.32 RCW to read as follows:

(1) Except a declaration created to protect public health and safety, and ground and surface waters from on-site wastewater, a declaration created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

NEW SECTION. Sec. 11. A new section is added to chapter 64.38 RCW to read as follows:

(1) Except governing documents of associations created to protect public health and safety, and ground and surface waters from on-site wastewater, governing documents of associations created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

NEW SECTION. Sec. 12. A new section is added to chapter 64.90 RCW to read as follows:

(1) Except declarations and governing documents of common interest communities created to protect public health and safety, and ground and surface waters from on-site wastewater, declarations and governing documents of common interest communities created after the effective date of this section and applicable to a property located within an urban growth area may not impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is

located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 35.63.210 (Accessory apartments) and 1993 c 478 s 8;

(2) RCW 35A.63.230 (Accessory apartments) and 1993 c 478 s 9;

(3) RCW 36.70A.400 (Accessory apartments) and 1993 c 478 s 11;

(4) RCW 36.70.677 (Accessory apartments) and 1993 c 478 s 10; and

(5) RCW 43.63A.215 (Accessory apartments—Development and placement—Local governments) and 1993 c 478 s 7."

On page 1, line 2 of the title, after "units;" strike the remainder of the title and insert "amending RCW 36.70A.696, 43.21C.495, and 36.70A.280; adding new sections to chapter 36.70A RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; creating a new section; and repealing RCW 35.63.210, 35A.63.230, 36.70A.400, 36.70.677, and 43.63A.215."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1337 and advanced the bill, as amended by the Senate, to final passage.

Representatives Peterson and Barkis 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 House Bill No. 1337, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1337, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Chopp, Christian, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Senn, 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 Caldier, Cheney, Connors, Dye, Hutchins, McClintock, Ramos, Rude, Schmick, Schmidt and Shavers

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED HOUSE BILL NO. 1337, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1349, with the following amendment(s): 1349 AMS KUDE S3084.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 61.24.008 and 2012 c 185 s 11 are each amended to read as follows:

(1) A borrower who has been referred to mediation before June 7, 2012, may continue through the mediation process and does not lose his or her right to mediation.

(2) A borrower who has not been referred to mediation as of June 7, 2012, may only be referred to mediation after a notice of default has been issued but no later than ~~((twenty days from the date a notice of sale is recorded))~~ 90 days prior to the date of sale listed in the notice of trustee's sale. If an amended notice of trustee's sale is recorded after the trustee sale has been stayed pursuant to RCW 61.24.130, the borrower may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale.

(3) A borrower who has not been referred to mediation as of June 7, 2012, and who has had a notice of sale recorded may only be referred to mediation if the referral is made ~~((before twenty days have passed from the date the notice of sale was recorded))~~ at least 90 days prior to the date of sale listed in the notice of trustee's sale. If an amended notice of trustee's sale is recorded, the borrower may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale.

Sec. 2. RCW 61.24.030 and 2021 c 151 s 3 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7) (a) That, for residential real property of up to four units, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW;

(8) That at least ~~((thirty))~~30 days before notice of sale shall be recorded, transmitted or served, written notice of default and, for residential real property of up to four units, the beneficiary declaration specified in subsection (7)(a) of this section shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within ~~((thirty))~~30 days of the date of mailing of the notice, or if personally served, within ~~((thirty))~~30 days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than ~~((one hundred twenty))~~120 days in the future, or no less than ~~((one hundred fifty))~~150 days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is residential real property of up to four units, a statement, prominently set out at the beginning of the notice, which shall state as follows:

**"THIS NOTICE IS ONE STEP IN A PROCESS THAT
COULD RESULT IN YOUR
LOSING YOUR HOME.**

You may be eligible for mediation in front of a neutral third party to help save your home.

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY
LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you might benefit. Mediation **MUST** be requested between the time you receive the Notice of Default and no later than ~~((twenty days after the Notice of Trustee Sale is~~

recorded) 90 calendar days BEFORE the date of sale listed in the Notice of Trustee Sale. If an amended Notice of Trustee Sale is recorded providing a 45-day notice of the sale, mediation must be requested no later than 25 calendar days BEFORE the date of sale listed in the amended Notice of Trustee Sale.

DO NOT DELAY. If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone:
Website:

The United States Department of Housing and Urban Development

Telephone:
Website:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone:
Website:"

The beneficiary or trustee shall obtain the toll-free numbers and website information from the department for inclusion in the notice;

(l) In the event the property secured by the deed of trust is residential real property of up to four units, the name and address of the holder of any promissory note or other obligation secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust;

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

(i) The current beneficiary of the deed of trust;

(ii) The current mortgage servicer for the deed of trust; and

(iii) The current trustee for the deed of trust;

(9) That, for residential real property of up to four units, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case where the borrower or grantor is known to the mortgage servicer or trustee to be deceased, the notice required under subsection (8) of this

section must be sent to any spouse, child, or parent of the borrower or grantor known to the trustee or mortgage servicer, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. Other written evidence of the death of the borrower or grantor may include an obituary, a published death notice, or documentation of an open probate action for the estate of the borrower or grantor. The claimant must be allowed (~~thirty~~)30 days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A claimant has (~~sixty~~)60 days from the date of the request to present this documentation. Documentation demonstrating the ownership interest of the claimant in the real property includes, but is not limited to, one of the following:

(i) Excerpts of a trust document noting the claimant as a beneficiary of a trust with title to the real property;

(ii) A will of the borrower or grantor listing the claimant as an heir or devisee with respect to the real property;

(iii) A probate order or finding of heirship issued by any court documenting the claimant as an heir or devisee or awarding the real property to the claimant;

(iv) A recorded lack of probate affidavit signed by any heir listing the claimant as an heir of the borrower or grantor pursuant to the laws of intestacy;

(v) A deed, such as a personal representative's deed, trustee's deed issued on behalf of a trust, statutory warranty deed, transfer on death deed, or other deed, giving any ownership interest to the claimant resulting from the death of the borrower or grantor or executed by the borrower or grantor for estate planning purposes; and

(vi) Other proof documenting the claimant as an heir of the borrower or grantor pursuant to state rules of intestacy set forth in chapter 11.04 RCW.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of the claimant prior to the expiration of the ((~~sixty~~))60 days provided in (b) of this subsection, then the servicer or trustee must, within ((~~twenty~~))20 days of receipt of proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process, necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c), (e), and (f) of this subsection (11) do not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under the deed of trust act in favor of other allowed methods for pursuit of foreclosure of the

security interest or deed of trust security interest.

Sec. 3. RCW 61.24.040 and 2018 c 306 s 2 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ((~~ninety~~))90 days before the sale, or if a letter under RCW 61.24.031 is required, at least ((~~one hundred twenty~~))120 days before the sale, the trustee shall:

(a) Record a notice in the form described in subsection (2) of this section in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)

(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i) (A) The borrower and grantor;

(B) In the case where the borrower or grantor is deceased, to any successors in interest. If no successor in interest has been established, then to any spouse, child, or parent of the borrower or grantor, at the addresses discovered by the trustee pursuant to RCW 61.24.030(10);

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for

each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in subsection (2) of this section to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property.

(2)(a) If foreclosing on a commercial loan under RCW 61.24.005(4), the title of the document must be "Notice of Trustee's Sale of Commercial Loan(s)";

(b) In addition to all other indexing requirements, the notice required in subsection (1) of this section must clearly indicate on the first page the following information, which the auditor will index:

- (i) The document number or numbers given to the deed of trust upon recording;
- (ii) The parcel number(s);
- (iii) The grantor;
- (iv) The current beneficiary of the deed of trust;
- (v) The current trustee of the deed of trust; and
- (vi) The current loan mortgage servicer of the deed of trust;

(c) Nothing in this section:

(i) Requires a trustee or beneficiary to cause to be recorded any new notice of trustee's sale upon transfer of the beneficial interest in a deed of trust or the servicing rights for the associated mortgage loan;

(ii) Relieves a mortgage loan servicer of any obligation to provide the borrower with notice of a transfer of servicing rights or other legal obligations related to the transfer; or

(iii) Prevents the trustee from disclosing the beneficiary's identity to the borrower and to county and municipal officials seeking to abate nuisance and abandoned property in foreclosure pursuant to chapter 35.21 RCW.

(d) The notice must be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

Grantor:
Current beneficiary of the deed of trust:

Current trustee of the deed of trust:
Current mortgage servicer of the deed of trust:
Reference number of the deed of trust:
Parcel number(s):

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the . . . day of . . . , at the hour of . . . o'clock . . . M. at . . . [street address and location if inside a building] in the City of . . . , State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of . . . , State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

which is subject to that certain Deed of Trust dated . . . , recorded . . . , under Auditor's File No. . . . , records of . . . County, Washington, from . . . , as Grantor, to . . . , as Trustee, to secure an obligation in favor of . . . , as Beneficiary, the beneficial interest in which was assigned by . . . , under an Assignment recorded under Auditor's File No. . . . [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$. . . , together with interest as provided in the note or other instrument secured from the . . . day of . . . , . . . , and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the day of The default(s) referred to in paragraph III must be cured by the day of (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the day of (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the day of (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

.
.
.

by both first-class and certified mail on the day of, proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the day of, with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040(11)]

. } Trustee
. }
. } Address
. }
. } Phone

[Acknowledgment]

(3) If the borrower received a letter under RCW 61.24.031, the notice specified in subsection (2)(d) of this section shall also include the following additional language:

"THIS NOTICE IS THE FINAL STEP BEFORE THE FORECLOSURE SALE OF YOUR HOME.

You have only ((20 DAYS from the recording date on this notice to pursue mediation)) until 90 calendar days BEFORE the date of sale listed in this Notice of Trustee Sale to be referred to mediation. If this is an amended Notice of Trustee Sale providing a 45-day notice of the sale, mediation must be requested no later than 25 calendar days BEFORE the date of sale listed in this amended Notice of Trustee Sale.

DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission
Telephone:
Website:

The United States Department of Housing and Urban Development
Telephone:
Website:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys
Telephone:
Website:"

The beneficiary or trustee shall obtain the toll-free numbers and website information from the department for inclusion in the notice;

(4) In addition to providing the borrower and grantor the notice of sale described in subsection (2) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE
Pursuant to the Revised Code of Washington,
Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to, the Beneficiary of your Deed of Trust and holder of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the day of,

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the day of, [11 days before the sale date]. To date, these arrears and costs are as follows:

	Currently due to reinstate on	Estimated amount that will be due to reinstate on

	.	(11 days before the date set for sale)

Delinquent payments from

., in the amount of \$ / \$ \$ mo.:

Late charges in the total amount of: \$ \$

		Estimated Amounts
Attorneys' fees:	\$	\$
Trustee's fee:	\$	\$
Trustee's expenses: (Itemization)		
Title report	\$	\$
Recording fees	\$	\$
Service/Posting of Notices	\$	\$
Postage/Copying expense	\$	\$
Publication	\$	\$
Telephone charges	\$	\$
Inspection fees	\$	\$
.	\$	\$

. \$ \$
 TOTALS \$ \$

To pay off the entire obligation secured by your Deed of Trust as of the day of you must pay a total of \$ in principal, \$ in interest, plus other costs and advances estimated to date in the amount of \$ From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
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You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the day of, [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to:, whose address is, telephone () AFTER THE DAY OF, YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ((ten)) 10 days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total

principal balance (\$) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME:
ADDRESS:
TELEPHONE NUMBER:

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(5) In addition, the trustee shall cause a copy of the notice of sale described in subsection (2)(d) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the ~~((thirty-fifth))~~ 35th and ~~((twenty-eighth))~~ 28th day before the date of sale, and once on or between the ~~((fourteenth))~~ 14th and seventh day before the date of sale;

(6) In the case where no successor in interest has been established, and neither the beneficiary nor the trustee are able to ascertain the name and address of any spouse, child, or parent of the borrower or grantor in the manner described in RCW 61.24.030(10), then the trustee may, in addition to mailing notice to the property addressed to the unknown heirs and devisees of the grantor, serve the notice of sale by publication in a newspaper of general circulation in the county or city where the property is located once per week for three consecutive weeks. Upon this service by publication, to be completed not less than ~~((thirty))~~ 30 days prior to the date the sale is conducted, all unknown heirs shall be deemed served with the notice of sale;

(7) (a) If a servicer or trustee receives notification by someone claiming to be a successor in interest to the borrower or grantor, as under RCW 61.24.030(11), after the recording of the notice of sale, the trustee or servicer must request written documentation within five days demonstrating the ownership interest, provided that, the trustee may, but is not required to, postpone a trustee's sale upon receipt of such notification by someone claiming to be a successor in interest.

(b) Upon receipt of documentation establishing a claimant as a successor in interest, the servicer must provide the information in RCW 61.24.030(11)(c). Only if the servicer or trustee receives the documentation confirming someone as successor in interest more than ~~((forty-five))~~ 45 days before the scheduled sale must the servicer then provide the information in RCW 61.24.030(11)(c) to the claimant not less than ~~((twenty))~~ 20 days prior to the sale.

(c) (b) of this subsection (7) does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(8) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

(9) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

(10) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of ~~((one hundred twenty))~~ 120 days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in subsection (5) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

(11) The purchaser shall forthwith pay the price bid ~~((and on payment))~~. On payment

and subject to RCW 61.24.050, the trustee shall execute to the purchaser its deed (~~the~~). The deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

(12) The sale as authorized under this chapter shall not take place less than (~~one hundred ninety~~) 190 days from the date of default in any of the obligations secured;

(13) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X. NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060;

(14) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 4. RCW 61.24.160 and 2012 c 185 s 5 are each amended to read as follows:

(1) (a) A housing counselor who is contacted by a borrower under RCW 61.24.031 has a duty to act in good faith to attempt to reach a resolution with the beneficiary on behalf of the borrower within the (~~ninety~~) 90 days provided from the date the beneficiary initiates contact with the borrower and the date the notice of default is issued. A resolution may include, but is not limited to, modification of the loan, an agreement to conduct a short sale, a deed in lieu of foreclosure transaction, or some other workout plan.

(b) Nothing in RCW 61.24.031 or this section precludes a meeting or negotiations between the housing counselor, borrower, and beneficiary at any time, including after the issuance of the notice of default.

(c) A borrower who is contacted under RCW 61.24.031 may seek the assistance of a housing counselor or attorney at any time.

(2) Housing counselors have a duty to act in good faith to assist borrowers by:

(a) Preparing the borrower for meetings with the beneficiary;

(b) Advising the borrower about what documents the borrower must have to seek a loan modification or other resolution;

(c) Informing the borrower about the alternatives to foreclosure, including loan modifications or other possible resolutions; and

(d) Providing other guidance, advice, and education as the housing counselor considers necessary.

(3) A housing counselor or attorney assisting a borrower may refer the borrower to mediation, pursuant to RCW 61.24.163, if the housing counselor or attorney determines that mediation is appropriate based on the individual circumstances and the borrower has received a notice of default. The referral to mediation may be made any time after a notice of default has been issued but no later than (~~twenty days after the date a notice of sale has been recorded~~) 90 days prior to the date of sale listed in the notice of trustee's sale. If an amended notice of trustee's sale is recorded after the trustee sale has been stayed pursuant to RCW 61.24.130, the borrower may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale.

(4) For borrowers who have received a letter under RCW 61.24.031 before June 7, 2012, a referral to mediation by a housing counselor or attorney does not preclude a trustee issuing a notice of default if the requirements of RCW 61.24.031 have been met.

(5) Housing counselors providing assistance to borrowers under RCW 61.24.031 are not liable for civil damages resulting from any acts or omissions in providing assistance, unless the acts or omissions constitute gross negligence or willful or wanton misconduct.

(6) Housing counselors shall provide information to the department to assist the department in its annual report to the legislature as required under RCW 61.24.163(18). The information provided to the department by the housing counselors should include outcomes of foreclosures and be similar to the information requested in the national foreclosure mortgage counseling client level foreclosure outcomes report form.

Sec. 5. RCW 61.24.163 and 2018 c 306 s 6 are each amended to read as follows:

(1) The foreclosure mediation program established in this section applies only to borrowers who have been referred to mediation by a housing counselor or attorney. The referral to mediation may be made any time after a notice of default has been issued but no later than (~~twenty days~~

~~after the date a notice of sale has been recorded)) 90 days prior to the date of sale listed in the notice of trustee's sale. If an amended notice of trustee's sale is recorded after the trustee sale has been stayed pursuant to RCW 61.24.130, the borrower may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale.~~ If the borrower has failed to elect to mediate within the applicable time frame, the borrower and the beneficiary may, but are under no duty to, agree in writing to enter the foreclosure mediation program. The mediation program under this section is not governed by chapter 7.07 RCW and does not preclude mediation required by a court or other provision of law.

(2) A housing counselor or attorney referring a borrower to mediation shall send a notice to the borrower and the department, stating that mediation is appropriate.

(3) Within ~~((ten))~~ 10 days of receiving the notice, the department shall:

(a) Send a notice to the beneficiary, the borrower, the housing counselor or attorney who referred the borrower, and the trustee stating that the parties have been referred to mediation. The notice must include the statements and list of documents and information described in subsections (4) and (5) of this section and a statement explaining each party's responsibility to pay the mediator's fee; and

(b) Select a mediator and notify the parties of the selection.

(4) Within ~~((twenty-three))~~ 23 days of the department's notice that the parties have been referred to mediation, the borrower shall transmit the documents required for mediation to the mediator and the beneficiary. The required documents include an initial homeowner financial information worksheet as required by the department. The worksheet must include, at a minimum, the following information:

(a) The borrower's current and future income;

(b) Debts and obligations;

(c) Assets;

(d) Expenses;

(e) Tax returns for the previous two years;

(f) Hardship information;

(g) Other applicable information commonly required by any applicable federal mortgage relief program.

(5) Within ~~((twenty))~~ 20 days of the beneficiary's receipt of the borrower's documents, the beneficiary shall transmit the documents required for mediation to the mediator and the borrower. The required documents include:

(a) An accurate statement containing the balance of the loan within ~~((thirty))~~ 30 days of the date on which the beneficiary's documents are due to the parties;

(b) Copies of the note and deed of trust;

(c) Proof that the entity claiming to be the beneficiary is the owner of any promissory note or obligation secured by the deed of trust. Sufficient proof may be a copy of the declaration described in RCW 61.24.030 (7) (a);

(d) The best estimate of any arrearage and an itemized statement of the arrearages;

(e) An itemized list of the best estimate of fees and charges outstanding;

(f) The payment history and schedule for the preceding twelve months, or since default, whichever is longer, including a breakdown of all fees and charges claimed;

(g) All borrower-related and mortgage-related input data used in any net present values analysis. If no net present values analysis is required by the applicable federal mortgage relief program, then the input data required under the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide, or if that calculation becomes unavailable, substantially similar input data as determined by the department;

(h) An explanation regarding any denial for a loan modification, forbearance, or other alternative to foreclosure in sufficient detail for a reasonable person to understand why the decision was made;

(i) Appraisal or other broker price opinion most recently relied upon by the beneficiary not more than ~~((ninety))~~ 90 days old at the time of the scheduled mediation; and

(j) The portion or excerpt of the pooling and servicing agreement or other investor restriction that prohibits the beneficiary from implementing a modification, if the beneficiary claims it cannot implement a modification due to limitations in a pooling and servicing agreement or other investor restriction, and documentation or a statement detailing the efforts of the beneficiary to obtain a waiver of the pooling and servicing agreement or other investor restriction provisions.

(6) Within ~~((seventy))~~ 70 days of receiving the referral from the department, the mediator shall convene a mediation session in the county where the property is located, unless the parties agree on another location. The parties may agree to extend the time in which to schedule the mediation session. If the parties agree to extend the time, the beneficiary shall notify the trustee of the extension and the date the mediator is expected to issue the mediator's certification.

(7) (a) The mediator may schedule phone conferences, consultations with the parties individually, and other communications to ensure that the parties have all the necessary information and documents to engage in a productive mediation.

(b) The mediator must send written notice of the time, date, and location of the mediation session to the borrower, the beneficiary, and the department at least ~~((thirty))~~ 30 days prior to the mediation session. At a minimum, the notice must contain:

(i) A statement that the borrower may be represented in the mediation session by an attorney or other advocate;

(ii) A statement that a person with authority to agree to a resolution, including a proposed settlement, loan modification, or dismissal or continuation of the foreclosure proceeding, must be present either in person or on the telephone or videoconference during the mediation session; and

(iii) A statement that the parties have a duty to mediate in good faith and that failure to mediate in good faith may impair the beneficiary's ability to foreclose on the property or the borrower's ability to modify the loan or take advantage of other alternatives to foreclosure.

(8)(a) The borrower, the beneficiary or authorized agent, and the mediator must meet in person for the mediation session. However, a person with authority to agree to a resolution on behalf of the beneficiary may be present over the telephone or videoconference during the mediation session.

(b) After the mediation session commences, the mediator may continue the mediation session once, and any further continuances must be with the consent of the parties.

(9) The participants in mediation must address the issues of foreclosure that may enable the borrower and the beneficiary to reach a resolution, including but not limited to reinstatement, modification of the loan, restructuring of the debt, or some other workout plan. To assist the parties in addressing issues of foreclosure, the mediator may require the participants to consider the following:

(a) The borrower's current and future economic circumstances, including the borrower's current and future income, debts, and obligations for the previous ~~((sixty))~~ 60 days or greater time period as determined by the mediator;

(b) The net present value of receiving payments pursuant to a modified mortgage loan as compared to the anticipated net recovery following foreclosure;

(c) Any affordable loan modification calculation and net present value calculation when required under any federal mortgage relief program and any modification program related to loans insured by the federal housing administration, the veterans administration, and the rural housing service. If such a calculation is not provided or required, then the beneficiary must provide the net present value data inputs established by the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide or other net present value data inputs as designated by the department. The mediator may run the calculation in order for a productive mediation to occur and to comply with the mediator certification requirement; and

(d) Any other loss mitigation guidelines to loans insured by the federal housing administration, the veterans administration, and the rural housing service, if applicable.

(10) A violation of the duty to mediate in good faith as required under this section may include:

(a) Failure to timely participate in mediation without good cause;

(b) Failure of the borrower or the beneficiary to provide the documentation required before mediation or pursuant to the mediator's instructions;

(c) Failure of a party to designate representatives with adequate authority to fully settle, compromise, or otherwise reach

resolution with the borrower in mediation; and

(d) A request by a beneficiary that the borrower waive future claims he or she may have in connection with the deed of trust, as a condition of agreeing to a modification, except for rescission claims under the federal truth in lending act. Nothing in this section precludes a beneficiary from requesting that a borrower dismiss with prejudice any pending claims against the beneficiary, its agents, loan servicer, or trustee, arising from the underlying deed of trust, as a condition of modification.

(11) If the mediator reasonably believes a borrower will not attend a mediation session based on the borrower's conduct, such as the lack of response to the mediator's communications, the mediator may cancel a scheduled mediation session and send a written cancellation to the department and the trustee and send copies to the parties. The beneficiary may proceed with the foreclosure after receipt of the mediator's written confirmation of cancellation.

(12) Within seven business days after the conclusion of the mediation session, the mediator must send a written certification to the department and the trustee and send copies to the parties of:

(a) The date, time, and location of the mediation session;

(b) The names of all persons attending in person and by telephone or videoconference, at the mediation session;

(c) Whether a resolution was reached by the parties, including whether the default was cured by reinstatement, modification, or restructuring of the debt, or some other alternative to foreclosure was agreed upon by the parties;

(d) Whether the parties participated in the mediation in good faith; and

(e) If a written agreement was not reached, a description of any net present value test used, along with a copy of the inputs, including the result of any net present value test expressed in a dollar amount.

(13) If the parties are unable to reach an agreement, the beneficiary may proceed with the foreclosure after receipt of the mediator's written certification.

(14)(a) The mediator's certification that the beneficiary failed to act in good faith in mediation constitutes a defense to the nonjudicial foreclosure action that was the basis for initiating the mediation. In any action to enjoin the foreclosure, the beneficiary is entitled to rebut the allegation that it failed to act in good faith.

(b) The mediator's certification that the beneficiary failed to act in good faith during mediation does not constitute a defense to a judicial foreclosure or a future nonjudicial foreclosure action if a modification of the loan is agreed upon and the borrower subsequently defaults.

(c) If an affordable loan modification is not offered in the mediation or a written agreement was not reached and the mediator's certification shows that the net present value of the modified loan exceeds the

anticipated net recovery at foreclosure, that showing in the certification constitutes a basis for the borrower to enjoin the foreclosure.

(15) The mediator's certification that the borrower failed to act in good faith in mediation authorizes the beneficiary to proceed with the foreclosure.

(16) (a) If a borrower has been referred to mediation before a notice of trustee sale has been recorded, a trustee may not record the notice of sale until the trustee receives the mediator's certification stating that the mediation has been completed. If the trustee does not receive the mediator's certification, the trustee may record the notice of sale after ~~((ten))~~ 10 days from the date the certification to the trustee was due. If, after a notice of sale is recorded under this subsection (16) (a), the mediator subsequently issues a certification finding that the beneficiary violated the duty of good faith, the certification constitutes a basis for the borrower to enjoin the foreclosure.

(b) If a borrower has been referred to mediation after the notice of sale was recorded, the sale may not occur until the trustee receives the mediator's certification stating that the mediation has been completed.

(17) A mediator may charge reasonable fees as authorized by this subsection or as authorized by the department. Unless the fee is waived, the parties agree otherwise, or the department otherwise authorizes, a foreclosure mediator's fee may not exceed ~~((four hundred dollars))~~ \$400 for preparing, scheduling, and conducting a mediation session lasting between one hour and three hours. For a mediation session exceeding three hours, the foreclosure mediator may charge a reasonable fee, as authorized by the department. The mediator must provide an estimated fee before the mediation, and payment of the mediator's fee must be divided equally between the beneficiary and the borrower. The beneficiary and the borrower must tender the loan mediator's fee within ~~((thirty))~~ 30 calendar days from receipt of the department's letter referring the parties to mediation or pursuant to the mediator's instructions.

(18) Beginning December 1, 2012, and every year thereafter, the department shall report annually to the legislature on:

(a) The performance of the program, including the numbers of borrowers who are referred to mediation by a housing counselor or attorney;

(b) The results of the mediation program, including the number of mediations requested by housing counselors and attorneys, the number of certifications of good faith issued, the number of borrowers and beneficiaries who failed to mediate in good faith, and the reasons for the failure to mediate in good faith, if known, the numbers of loans restructured or modified, the change in the borrower's monthly payment for principal and interest and the number of principal write-downs and interest rate reductions, and, to the extent practical, the number of borrowers who report a default

within a year of restructuring or modification;

(c) The information received by housing counselors regarding outcomes of foreclosures; and

(d) Any recommendations for changes to the statutes regarding the mediation program.

(19) This section does not apply to certain federally insured depository institutions, as specified in RCW 61.24.166.

Sec. 6. RCW 61.24.165 and 2021 c 151 s 6 are each amended to read as follows:

(1) RCW 61.24.163 applies only to deeds of trust that are recorded against residential real property of up to four units.

(2) RCW 61.24.163 does not apply to deeds of trust:

- (a) Securing a commercial loan;
- (b) Securing obligations of a grantor who is not the borrower or a guarantor;
- (c) Securing a purchaser's obligations under a seller-financed sale; or
- (d) Where the grantor is a partnership, corporation, or limited liability company, or where the property is vested in a partnership, corporation, or limited liability company at the time the notice of default is issued.

(3) RCW 61.24.163 does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

(4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower is deceased and the person is a successor in interest of the deceased borrower ~~((who occupies the property as his or her primary residence))~~. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

(5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

Sec. 7. RCW 61.24.166 and 2021 c 151 s 7 are each amended to read as follows:

(1) Beginning on January 1, ((2023)) 2024, the provisions of RCW 61.24.163 do not apply to any federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b) (1) (A), that certifies to the department under penalty of perjury that it was not a beneficiary of deeds of trust in

more than (~~two hundred fifty~~)250 trustee sales of residential real property of up to four units that occurred in this state during the preceding calendar year. A federally insured depository institution certifying that RCW 61.24.163 does not apply must do so annually, beginning no later than January 31, (~~(2023)~~2024, and no later than January 31st of each year thereafter.

(2) During the 2023 calendar year, the provisions of RCW 61.24.163 do not apply to any federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), that certifies to the department under penalty of perjury that it was not a beneficiary of deeds of trust in more than 250 trustee sales of owner-occupied residential real property that occurred in this state during 2019. A federally insured depository institution certifying that RCW 61.24.163 does not apply pursuant to this subsection must do so no later than 30 days after the effective date of this section.

(3) This section applies retroactively to January 1, 2023, and prospectively beginning with the effective date of this section.

Sec. 8. RCW 61.24.190 and 2021 c 151 s 11 are each amended to read as follows:

(1) Except as provided in subsections (6) and (7) of this section, beginning January 1, 2022, and every quarter thereafter, every beneficiary issuing notices of default, or causing notices of default to be issued on its behalf, on residential real property under this chapter must:

(a) Report to the department, on a form approved by the department, the total number of residential real properties for which the beneficiary has issued a notice of default during the previous quarter, together with the street address, city, and zip code;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each residential real property for which a notice of default has been issued, the beneficiary issuing the notice of default, or causing the notice of default to be issued on the beneficiary's behalf, shall remit \$250 to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The \$250 payment is required per property and not per notice of default. The beneficiary shall remit the total amount required in a lump sum each quarter.

(3) Reporting and payments under subsections (1) and (2) of this section are due within 45 days of the end of each quarter.

(4) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner occupied.

(5) The department, including its officials and employees, may not be held civilly liable for damages arising from any release of information or the failure to

release information related to the reporting required under this section, so long as the release was without gross negligence.

(6) (a) Beginning on January 1, 2023, this section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that it has issued, or has directed a trustee or authorized agent to issue, fewer than 250 notices of default in the preceding year.

(b) During the 2023 calendar year, this section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than 50 notices of trustee's sale were recorded on its behalf in 2019.

(c) This subsection (6) applies retroactively to January 1, 2023, and prospectively beginning with the effective date of this section.

(7) This section does not apply to association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 61.24 RCW to read as follows:

(1) (a) The trustee shall continue a foreclosure sale for at least 30 days upon receipt of a written notice from the homeowner assistance fund program administered by the Washington state housing finance commission that an application has been submitted to the homeowner assistance fund program on behalf of the applicant.

(b) The trustee shall continue the foreclosure sale for an additional 30-day period upon receipt of a written notice from the homeowner assistance fund program that the applicant is deemed eligible for the program.

(c) An automated notice issued by the homeowner assistance fund program does not qualify as written notice required in this section.

(2) (a) If an application to the homeowner assistance fund program is approved in the amount that would cure the default and make the beneficiary whole, a sale may not proceed while the approved application is pending for payment.

(b) A sale may proceed if the homeowner assistance fund program issues a written confirmation that an application has been denied or that no funds from the program will be paid in response to the application, and that any appeal process available to the applicant has been exhausted and is no longer pending.

(3) The trustee has no duty to delay a sale if the applicant has already received a continuance based on prior application to the homeowner assistance fund program, unless the applicant demonstrates to the trustee that a new application is pending based upon a substantial change in circumstances supporting a new application and that it has not been submitted solely for the purpose of delaying the sale.

(4)(a) The trustee must comply with the process set forth in RCW 61.24.040(1) for giving notice of the continued sale.

(b) A continuance of a sale pursuant to this section shall not be included in calculating the maximum sale continuance period of 120 days established in RCW 61.24.040(10).

(5) For purposes of this section, "applicant" means a person who:

(a) Is the borrower, a successor in interest to a deceased borrower, or a person who has been awarded title to the property; and

(b) Has submitted an application to the homeowner assistance fund program or on whose behalf an application to the program has been submitted.

NEW SECTION. Sec. 10. A new section is added to chapter 61.12 RCW to read as follows:

(1) It is unlawful for any person to seek or receive from any person or contract with any person for any fee or compensation for locating, or purporting to purchase or otherwise acquire the right to recover, funds held by a court or county that are proceeds from a foreclosure under this chapter and subject to disposition under RCW 61.12.150 in excess of:

(a) Five percent of the value thereof returned to such owner; and

(b) Reasonable attorneys' fees and costs, upon a motion and a hearing by a court of competent jurisdiction.

(2) Any person who violates this section is guilty of a misdemeanor and shall be fined not less than the amount of the fee or charge he or she has sought or received or contracted for, and not more than 10 times such amount, or imprisoned for not more than 30 days, or both.

(3) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Any violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

(4) Every contract for any fee or compensation for locating or purporting to purchase the right to recover funds held by a court that are proceeds from a foreclosure under this chapter and subject to disposition under RCW 61.12.150 must contain the following notice in 10-point boldface type or larger directly above the space reserved in the contract for the signature of the buyer:

"NOTICE TO HOMEOWNER:

(1) Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank.

(2) You are entitled to a copy of this contract at the time you sign it.

(3) You may cancel this contract within 10 days of signing by sending notice of

cancellation by regular United States mail to the other party at his or her address shown on the contract, which notice shall be posted not later than midnight of the 10th day (excluding Sundays and holidays) following your signing of the contract."

Sec. 11. RCW 61.24.135 and 2021 c 151 s 5 are each amended to read as follows:

(1) It is an unfair or deceptive act or practice under the consumer protection act, chapter 19.86 RCW, for any person, acting alone or in concert with others, to offer, or offer to accept or accept from another, any consideration of any type not to bid, or to reduce a bid, at a sale of property conducted pursuant to a power of sale in a deed of trust. The trustee may decline to complete a sale or deliver the trustee's deed and refund the purchase price, if it appears that the bidding has been collusive or defective, or that the sale might have been void. However, it is not an unfair or deceptive act or practice for any person, including a trustee, to state that a property subject to a recorded notice of trustee's sale or subject to a sale conducted pursuant to this chapter is being sold in an "as-is" condition, or for the beneficiary to arrange to provide financing for a particular bidder or to reach any good faith agreement with the borrower, grantor, any guarantor, or any junior lienholder.

(2) It is an unfair or deceptive act in trade or commerce and an unfair method of competition in violation of the consumer protection act, chapter 19.86 RCW, for any person or entity to: (a) Violate the duty of good faith under RCW 61.24.163; (b) fail to comply with the requirements of RCW 61.24.174, as it existed prior to July 1, 2016, 61.24.173, or 61.24.190; or (c) fail to initiate contact with a borrower and exercise due diligence as required under RCW 61.24.031.

(3)(a) It is unlawful for any person to seek or receive from any person or contract with any person for any fee or compensation for locating, or purporting to purchase or otherwise acquire the right to recover, funds held by a court or county that are proceeds from a foreclosure under this chapter and subject to disposition under RCW 61.24.080 in excess of:

(i) Five percent of the value thereof returned to such owner; and

(ii) Reasonable attorneys' fees and costs, upon a motion and a hearing by a court of competent jurisdiction.

(b) Any person who violates (a) of this subsection is guilty of a misdemeanor and shall be fined not less than the amount of the fee or charge he or she has sought or received or contracted for, and not more than 10 times such amount, or imprisoned for not more than 30 days, or both.

(c) The legislature finds that the practices covered by (a) of this subsection are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Any violation of (a) of this subsection is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or

commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

(4) Every contract for any fee or compensation for locating or purporting to purchase the right to recover funds held by a court that are proceeds from a foreclosure under this chapter and subject to disposition under RCW 61.24.080 must contain the following notice in 10-point boldface type or larger directly above the space reserved in the contract for the signature of the buyer:

"NOTICE TO HOMEOWNER:

(1) Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank.

(2) You are entitled to a copy of this contract at the time you sign it.

(3) You may cancel this contract within 10 days of signing by sending notice of cancellation by regular United States mail to the other party at his or her address shown on the contract, which notice shall be posted not later than midnight of the 10th day (excluding Sundays and holidays) following your signing of the contract."

NEW SECTION. Sec. 12. (1) Section 9 of this act expires upon the expiration and permanent closure of the homeowner assistance fund program.

(2) The Washington state housing finance commission must provide written notice of the expiration date of section 9 of this act to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the commission.

NEW SECTION. Sec. 13. Sections 7 through 9 and 12 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 1 of the title, after "protections;" strike the remainder of the title and insert "amending RCW 61.24.008, 61.24.030, 61.24.040, 61.24.160, 61.24.163, 61.24.165, 61.24.166, 61.24.190, and 61.24.135; adding a new section to chapter 61.24 RCW; adding a new section to chapter 61.12 RCW; providing a contingent expiration date; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1349 and advanced the bill, as amended by the Senate, to final passage.

Representatives Orwall and Klicker 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. 1349, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1349, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1349, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1636, with the following amendment(s): 1636.E AMS LAW S2700.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 64.32.200 and 2021 c 222 s 3 are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ~~((ten))~~ 10 days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ~~((ten))~~ 10 days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW 6.13.080 and, subject to the provisions in subsection ~~((+4-))~~ (5) of this section, may be foreclosed by suit by the manager or

board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4)(a) When the association, or the manager or board of directors on its behalf, mails to the apartment owner by first-class mail the first notice of delinquency for past due assessments to the apartment address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone:
Website:

The United States Department of Housing and Urban Development

Telephone:
Website:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone:
Website:

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the apartment owner, the association or the association's attorney shall mail the first preforeclosure notice to the apartment owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (5)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(5) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:

(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) ((\$200))\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.

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~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone:
Website:~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice)) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the apartment owner pursuant to subsection (4) (a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (4) (a) of this section is mailed;~~

~~(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that apartment.~~

~~((+5)) (6) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

Sec. 2. RCW 64.32.200 and 2021 c 222 s 4 are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ~~((ten))~~ 10 days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ~~((ten))~~ 10 days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special

district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW 6.13.080 and, subject to the provisions in subsection ~~((+4))~~ (5) of this section, may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4) (a) When the association, or the manager or board of directors on its behalf, mails to the apartment owner by first-class mail the first notice of delinquency for past due assessments to the apartment address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.

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Website:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone:
Website:

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the apartment owner, the association or the association's attorney shall mail the first preforeclosure notice to the apartment owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (5)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(5) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:

(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) (\$200)\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.

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Website:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone:
Website:

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the apartment owner pursuant to subsection (4)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that apartment.

((45)) (6) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 3. RCW 64.34.364 and 2021 c 222 s 5 are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the

declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ~~((ninety))~~ 90 days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover

from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing

counselors recommended by the Housing Finance Commission

Telephone:
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The United States Department of Housing and Urban Development

Telephone:
Website:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone:
Website:

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (18)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(18) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) ((\$200))\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

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~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the unit owner pursuant to subsection (17)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed;~~

~~(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that unit.~~

~~((18)) (19) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

Sec. 4. RCW 64.34.364 and 2021 c 222 s 6 are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget

adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its terms that the units are not used

principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ~~((ninety))~~ 90 days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

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Telephone:
Website:

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (18)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(18) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) ((\$200))\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

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(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

((18)) (19) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 5. RCW 64.38.100 and 2021 c 222 s 7 are each amended to read as follows:

(1)(a) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association shall include the following first preforeclosure notice when mailing to the lot owner by first-class mail the first notice of delinquency to the lot address and to any other address that the owner has provided to the association:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.

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The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone:
Website:

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the lot owner, the association or the association's attorney shall mail the first preforeclosure notice to the lot owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (2)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(2) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) ((\$200))\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

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~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the lot owner pursuant to subsection (1)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed;~~

~~(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that lot.~~

~~((2)) (3) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

Sec. 6. RCW 64.38.100 and 2021 c 222 s 8 are each amended to read as follows:

(1)(a) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association shall include the following first preforeclosure notice when mailing to the lot owner by first-class mail the first notice of delinquency to the lot address and to any other address that the owner has provided to the association:

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The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the lot owner, the association or the association's attorney shall mail the first preforeclosure notice to the lot owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (2)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(2) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the

collection of a delinquent owner's account; or

(ii) (((\$200))\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

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The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice))must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the lot owner pursuant to subsection (1)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that lot.

((2)) (3) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 7. RCW 64.90.485 and 2021 c 222 s 1 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3) (a) A lien under this section also has priority over the security interests described in subsection (2) (b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2) (b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a) (iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3) (a) (ii) shall not exceed ((two thousand dollars)) \$2,000 or an amount equal to the amounts described in (a) (i) of this subsection, whichever is less;

(iii) The amounts described in (a) (ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than ((sixty)) 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within ((sixty)) 60 days of the written notice, submit the association payment of six months of assessments as described in (a) (i) of this subsection will result in the priority of the amounts described in (a) (ii) of this subsection; and

(iv) Upon payment of the amounts described in (a) (i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3) (a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any

foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within ~~((fifteen))~~ 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be

foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale

and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a

rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone:
Website:

The United States Department of Housing and Urban Development

Telephone:
Website:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone:
Website:

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(22) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) (\$200)\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

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The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone:
Website:

~~The United States Department of Housing and Urban Development~~

~~Telephone:
Website:~~

~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone:
Website:~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed;~~

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

((+22+)) (23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 8. RCW 64.90.485 and 2021 c 222 s 2 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security

interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed (~~two thousand dollars~~) \$2,000 or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than (~~sixty~~) 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within (~~sixty~~) 60 days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments

assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within (~~fifteen~~) 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance

with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable

expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit

owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone:
Website:

The United States Department of Housing and Urban Development

Telephone:
Website:

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone:
Website:

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(22) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) ((~~\$200~~)\$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

~~THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.~~

SEEKING ASSISTANCE

~~Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:~~

~~The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission~~

~~Telephone:
Website:~~

~~The United States Department of Housing and Urban Development~~

~~Telephone:
Website:~~

~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone:
Website:~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21) (a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21) (a) of this section is mailed;~~

~~(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that unit.~~

~~((22)) (23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

Sec. 9. 2021 c 222 s 9 (uncodified) is amended to read as follows:

Sections 1, 3, 5, and 7 of this act expire January 1, ((2024))2025.

Sec. 10. 2021 c 222 s 10 (uncodified) is amended to read as follows:

Sections 2, 4, 6, and 8 of this act take effect January 1, ((2024))2025.

NEW SECTION. **Sec. 11.** Sections 1, 3, 5, and 7 of this act expire January 1, 2025.

NEW SECTION. **Sec. 12.** Sections 2, 4, 6, and 8 of this act take effect January 1, 2025."

On page 1, line 2 of the title, after "communities;" strike the remainder of the title and insert "amending RCW 64.32.200, 64.32.200, 64.34.364, 64.34.364, 64.38.100, 64.38.100, 64.90.485, and 64.90.485; amending 2021 c 222 ss 9 and 10 (uncodified); providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1636 and advanced the bill, as amended by the Senate, to final passage.

Representatives Orwall and Klicker 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 House Bill No. 1636, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1636, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

ENGROSSED HOUSE BILL NO. 1636, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736, with the following amendment(s): 1736-S.E AMS KING S3226.1

On page 2, line 29, after "infraction." insert "The application for an original vehicle registration must state that the vehicle owner is not required to provide the

mileage shown on the odometer and that failure to provide the mileage shown on the odometer is not grounds to deny vehicle registration or issue any monetary or civil penalty or infraction."

On page 3, line 19, after "infraction." insert "The application for a renewal vehicle registration must state that the vehicle owner is not required to provide the mileage shown on the odometer and that failure to provide the mileage shown on the odometer is not grounds to deny vehicle registration or issue any monetary or civil penalty or infraction."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Robertson spoke against 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. 1736, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1736, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, 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, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1736.

Representative Rule, 42nd District

MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1771, with the following amendment(s): 1771 AMS HSG S2549.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 59.21.010 and 2019 c 390 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Assignee" means an individual or entity who has agreed to advance allowable relocation assistance expenses in exchange for the assignment and transfer of a right to reimbursement from the fund.

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

(3) "Director" means the director of the department of commerce.

(4) "Fund" means the manufactured/mobile home park relocation fund established under RCW 59.21.050.

(5) "Landlord" or "park-owner" means the owner of the manufactured/mobile home park that is being closed at the time relocation assistance is provided.

(6) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than ~~((eighty))~~ 80 percent of the median family income, adjusted for household size, for the county where the manufactured/mobile home is located.

(7) "Manufactured/mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more manufactured/mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(8) "Relocate" means to do one of the following:

(a) Remove a manufactured/mobile home from a manufactured/mobile home park being closed and reinstall it in another location; ~~((or))~~

(b) Remove a manufactured/mobile home from a manufactured/mobile home park being closed and demolish and dispose of it and secure other housing; or

(c) Remove a manufactured/mobile home from a manufactured/mobile home park being closed by selling or gifting the home to a third party and secure other housing.

(9) "Relocation assistance" means the monetary assistance provided under this chapter, including reimbursement for the costs of relocation as well as cash assistance provided to allow the tenant to secure new housing.

(10) "Tenant" means a person that owns a manufactured/mobile home located on a rented lot in a manufactured/mobile home park.

(11) "Third party" means a person or persons who purchase or are gifted a tenant's home, with the condition they are responsible for removing the home on or prior to the park closure date and relocate the home under subsection (8)(a) or (b) of

this section. The third party is not entitled to relocation assistance related to relocation of the purchased or gifted home.

Sec. 2. RCW 59.21.021 and 2021 c 28 s 2 are each amended to read as follows:

(1) If a manufactured/mobile home park is, or is scheduled to be ~~((+,+))~~, closed or converted to another use, eligible tenants shall be entitled to relocation assistance on a first-come, first-serve basis. The department shall give priority for distribution of relocation assistance to eligible tenants residing in parks that are closed as a result of park-owner fraud or as a result of health and safety concerns as determined by the local board of health. Payments shall be made upon the department's verification of eligibility, subject to the availability of remaining funds.

(2) Eligibility for relocation assistance funds is limited to low-income households in manufactured/mobile home parks that are, or are scheduled to be, closed or converted to another use.

(3) Eligible tenants are entitled to financial assistance from the fund, up to a maximum of \$17,000 for a multisection home and up to a maximum of \$11,000 for a single-section home. The department shall distribute relocation assistance for each eligible tenant as follows:

(a) \$12,000 for a multisection home and \$8,000 for a single-section home shall be disbursed in the form of cash assistance to help the tenant relocate the home or secure alternative housing; and

(b) The remainder of the total assistance shall be disbursed once the tenant has transferred the title to the park-owner, relocated the home, or demolished and disposed of the home. The tenant must either transfer title of the manufactured/mobile home to the park-owner, relocate, or demolish and dispose of the home ~~((within 90 days of receiving the assistance under (a) of this subsection))~~ by the park closure date to receive the remainder of the assistance. A tenant who removes the tenant's home on or before the park closure date and reinstalls the home in another location within 12 months after the closure date is eligible to receive the remainder of the assistance.

(4) In the event that the tenant does not relocate or demolish and dispose of the home ~~((within 90 days of receiving assistance from the fund))~~ by the park closure date, the park-owner may seek reimbursement from the fund in the amount of \$4,000 for a multisection home and \$2,500 for a single-section home.

(a) To receive such reimbursement, the park-owner must provide documentation to the department demonstrating costs incurred for demolition and disposal of the home.

(b) The park-owner may seek reimbursement for additional costs incurred for demolition and disposal of the home up to an additional \$4,500 for a multisection home and \$3,000 for a single-section home from the portion of the relocation fund to which park-owners must contribute pursuant to RCW 59.30.050.

(5) Any individual or organization may apply to receive relocation assistance from the fund, for use in combination with funds

from public or private sources, toward relocation of tenants eligible under this section, with agreement from the tenant.

(6) The legislature intends the cash assistance provided under subsection (3) of this section to be considered a one-time direct grant payment that shall be excluded from household income calculations for purposes of determining the eligibility of the recipient for benefits or assistance under any state program financed in whole or in part with state funds.

Sec. 3. RCW 59.21.040 and 1998 c 124 s 4 are each amended to read as follows:

A tenant is not entitled to relocation assistance under this chapter if: (1) The tenant has given notice to the landlord of his or her intent to vacate the park and terminate the tenancy before any written notice of closure pursuant to RCW 59.20.080(1)(e) has been given; (2) the tenant purchased a mobile home already situated in the park or moved a mobile home into the park after a written notice of closure pursuant to RCW 59.20.090 has been given and the person received actual prior notice of the change or closure; or (3) the tenant receives assistance from an outside source that exceeds the maximum amounts of assistance to which a person is entitled under RCW 59.21.021(3), except that a tenant receiving relocation assistance from a landlord pursuant to RCW 59.20.080 remains eligible for the maximum amounts of assistance under this chapter. However, no tenant may be denied relocation assistance under subsection (1) of this section if the tenant has remained on the premises and continued paying rent for a period of at least six months after giving notice of intent to vacate and before receiving formal notice of a closure or change of use."

On page 1, line 2 of the title, after "parks;" strike the remainder of the title and insert "and amending RCW 59.21.010, 59.21.021, and 59.21.040."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1771 and advanced the bill, as amended by the Senate, to final passage.

Representatives Donaghy and Klicker 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. 1771, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1771, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1771, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 31, 2023

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1782, with the following amendment(s): 1782.E AMS TRAN S2215.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.56.720 and 1992 c 82 s 1 are each amended to read as follows:

(1) The legislature finds that the ferry operated by Wahkiakum county between Puget Island and Westport on the Columbia river provides ~~((service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing))~~ an important transportation bypass for state route 4 and provides the only crossing of the Columbia river between the Astoria-Megler bridge and the Longview bridge.

(2) The department is hereby authorized to enter into a continuing agreement with Wahkiakum county pursuant to which the department shall pay to Wahkiakum county from moneys appropriated for such purpose monthly amounts not to exceed ~~((eighty))~~ 85 percent of the operating and maintenance deficit with a maximum not to exceed the amount appropriated for that biennium to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1992.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county subject to the approval of the department. If ~~((eighty))~~ 85 percent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the department upon the receipt of a properly executed voucher. ~~((The total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium.))~~ The fares established by the county shall be comparable to those used for similar runs on the state ferry system.

(4) Whenever, subsequent to June 9, 1977, state route 4 between Cathlamet and Longview is closed to traffic pursuant to chapter 47.48 RCW due to actual or potential slide conditions and there is no suitable,

reasonably short alternate state route provided, Wahkiakum county is authorized to operate the Puget Island ferry on a toll-free basis during the entire period of such closure. The state's share of the ferry operations and maintenance deficit during such period shall be ~~((one hundred))~~ 100 percent.

(5) Whenever state route 4 between Cathlamet and Longview is closed to traffic, as mentioned in subsection (4) hereof, the state of Washington shall provide temporary rest room facilities at the Washington ferry landing terminal."

On page 1, line 2 of the title, after "ferry;" strike the remainder of the title and insert "and amending RCW 47.56.720."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1782 and advanced the bill, as amended by the Senate, to final passage.

Representatives McEntire and Timmons 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 House Bill No. 1782, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1782, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

ENGROSSED HOUSE BILL NO. 1782, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 5, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, with the following amendment(s): 1125-S.E AMS ENGR S2949.E

Strike everything after the enacting clause and insert the following:

"2023-2025 FISCAL BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2025.

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

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

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

(c) "FTE" means full-time equivalent.

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

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

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES—OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account—State Appropriation. \$566,000

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account—State Appropriation. \$504,000
Pilotage Account—State Appropriation \$150,000
TOTAL APPROPRIATION..... \$654,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account—State Appropriation. \$200,000
Puget Sound Ferry Operations Account—State Appropriation. \$126,000
TOTAL APPROPRIATION..... \$326,000

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account—State Appropriation. \$1,186,000
Multimodal Transportation Account—State Appropriation. \$1,000

TOTAL APPROPRIATION..... \$1,187,000

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

(1) Except as provided in subsection (2) of this section, the appropriations in this section are provided solely for road maintenance purposes.

(2) \$1,000 of the multimodal transportation account—state appropriation is provided solely for the commission to install a sign in memory of Zachary Lee Rager on or near the bridge on the Willapa trail that crosses the Chehalis river near old highway 603 providing information about the hazards of cold water shock related to diving or jumping off the bridge.

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account—State Appropriation. \$1,403,000

NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account—State Appropriation. \$714,000

NEW SECTION. Sec. 107. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Move Ahead WA Flexible Account—State Appropriation. \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for increasing the number of certified women and minority-owned contractors in the transportation sector.

NEW SECTION. Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Multimodal Transportation Account—State Appropriation. \$300,000

The appropriation in this section is subject to the following conditions and limitations: \$300,000 of the multimodal transportation account—state appropriation is provided solely for the joint legislative audit and review committee to conduct an independent review of the usage of triple trailer commercial vehicle configurations.

(1) As part of the review, the committee must:

(a) Consult with:

(i) Industry motor carriers, including national carriers and regional carriers, that operate triple trailer configurations to gather vehicle miles traveled, collisions, and causes and severity of collisions for each trailer configuration operated, power unit vehicle miles traveled saved by triple trailer usage, employee displacement and classification changes, and estimated carbon reductions resulting from triple trailer usage; and

(ii) A labor organization that represents predominantly commercial truck drivers; and

(b) Evaluate, at a minimum, triple trailer usage in other states to include requirements pertaining to permitting,

operator and vehicle licensing, and equipment and infrastructure, with a five-year comparison of collision and safety related data pertaining to the operation of triple trailers in allowable states as compared to all other allowable commercial vehicle trailer configurations.

(2) The review must include:

(a) Details of triple trailer operations by motor carriers to identify unique dependencies placed on public infrastructure for parking, enforcement, inspection, and travel routes;

(b) Consultation with commercial vehicle enforcement entities in states that allow the use of triple trailer configurations to determine challenges to enforcement, safety, and expedient traffic flow; and

(c) A review of federal ISTEA freeze variances that have occurred since 1991, including changes in the 2015 FAST act, that can be utilized to gain federal approval for a pilot or operation of triple trailer configurations in Washington state.

(3) The committee must report to the transportation committees of the legislature its findings and any recommendations by September 1, 2024.

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMERCE

Electric Vehicle Account—State Appropriation	\$220,000
Multimodal Transportation Account—State Appropriation	\$535,000
TOTAL APPROPRIATION	\$755,000

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

(1) \$220,000 of the electric vehicle account—state appropriation is provided solely to the department to commission an independent study, based on the findings of the transportation electrification strategy authorized under RCW 43.392.040, of costs of installation, maintenance, and operation of electrical distribution infrastructure on the utility's side of the meter to commercial customers installing electric vehicle supply equipment. The department shall gather data from at least five electric utilities serving retail customers in the state for purposes of completing the study. The department shall submit a report of study findings and an explanation of how those findings will support implementation of the transportation electrification strategy authorized under RCW 43.392.040 to the governor and appropriate legislative committees by November 1, 2024.

(2) \$535,000 of the multimodal transportation account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 (transit-oriented development). If chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

NEW SECTION. Sec. 110. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account—State Appropriation. \$3,519,000

The appropriation in this section is subject to the following conditions and limitations: The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2023, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

NEW SECTION. Sec. 111. FOR THE OFFICE OF THE GOVERNOR

State Patrol Highway Account—State Appropriation	\$750,000
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The appropriation in this section is subject to the following conditions and limitations: \$750,000 of the state patrol highway account—state appropriation is provided solely to the state office of equity to contract with an independent consultant to conduct the studies, evaluations, and reporting functions required in RCW 43.06D.060.

NEW SECTION. Sec. 112. FOR THE ATTORNEY GENERAL

Motor Vehicle Account—State Appropriation.	\$600,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the motor vehicle account—state appropriation is provided solely for the antitrust division of the attorney general's office to convene a work group to examine consumer motor vehicle fuel pricing in Washington state.

(2) \$100,000 of the motor vehicle account—state appropriation is provided solely for an interagency agreement with the department of licensing for staff support and assistance related to the work group established under subsection (1) of this section.

(3) The membership of the work group established under subsection (1) of this section must include, but is not limited to:

(a) The chair and ranking member of the transportation committees of the legislature;

(b) Representatives of the department of licensing, the department of commerce, the department of ecology, and the office of financial management;

(c) Fuel refineries, distributors, suppliers, and retail establishments; and

(d) Academic experts and consumer advocacy organizations with knowledge and expertise in fuel pricing.

(4) The work group established under subsection (1) of this section must review issues to include, but not be limited to:

(a) Previous studies and evaluations of fuel pricing in Washington state, including an update of the 2007-08 Gas Price Study

through 2022 as deemed appropriate by the work group;

(b) Trends in fuel pricing in Washington state;

(c) Factors causing fuel prices in Washington state to be higher than the national average and how these factors have changed over time;

(d)(i) Margins and profits at the fuel production, distribution, and retail levels;

(ii) Information provided pursuant to (d) (i) of this subsection must be kept confidential and is exempt from disclosure under chapter 42.56 RCW. Such information must be aggregated to ensure confidentiality, but may be utilized in summarized form as part of the work group process and in the final report under subsection (5) of this section;

(e) State tax policies, environmental protections, and regulatory factors that may impact fuel pricing and make the state's fuel marketplace more or less competitive;

(f) Supply dynamics affecting the fuel markets in Washington state; and

(g) Potential reporting and audit requirements that would make fuel pricing more transparent to Washington state consumers.

(5) The attorney general's office must report its findings and recommendations to the governor's office and the appropriate policy and fiscal committees of the legislature by December 1, 2024.

NEW SECTION. Sec. 113. FOR THE UNIVERSITY OF WASHINGTON

Multimodal Transportation Account—State Appropriation. \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for the University of Washington's sidewalk inventory and accessibility mapping project to develop a public dataset under an open license and develop the tools needed to publish that data according to an open data specification. The project must include, but is not limited to, utilization of existing data sources, imagery, detailed surveys, and manually collected, detailed data for city streets, county rural and urban local access roads and collectors/arterials, state roads of all types, and roads owned by other entities. The project may draw on partially developed sidewalk data for all state facilities. To the extent practicable, the final product must be suitable for use by the department of transportation, local and regional agencies, tribal governments, and the general public. For the 2023-2025 fiscal biennium, geographic preference must be given to the 16 statewide locations the department of ecology has identified as overburdened and highly impacted by air pollution. A report summarizing mapping project progress is due to the transportation committees of the legislature by December 1, 2024.

NEW SECTION. Sec. 114. FOR WASHINGTON STATE UNIVERSITY

Multimodal Transportation Account—State Appropriation. \$100,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the multimodal transportation account—state appropriation is provided solely for Washington State University to study the potential impacts that current licensing requirements, including training hours, and testing may have on the shortage of commercial drivers, with a focus on public transit operators. The study must provide a comprehensive review and recommendations for improving the state's commercial driver training and certification, including:

(1) A review of standards that identify federal mandates for transit operator training;

(2) The department of licensing's interpretation of the federal mandates and what constitutes an additive standard not required by federal mandates;

(3) Identifying areas for streamlining state training requirements;

(4) Reviewing similarities and differences of at least five states on their training and certification of commercial drivers; and

(5) Identifying challenges and issues for transit agencies regarding current training, notice, department response, certification, and commercial drivers licensing standards and what adjustments may be warranted to help alleviate the shortage of public transit operators.

NEW SECTION. Sec. 115. FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING

Driver's Education Safety Improvement Account—State Appropriation. \$543,000

The appropriation in this section is subject to the following conditions and limitations: The entire driver's education safety improvement account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5583), Laws of 2023 (improving young driver safety). If chapter . . . (Engrossed Substitute Senate Bill No. 5583), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this section lapses.

NEW SECTION. Sec. 116. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

Motor Vehicle Account—State Appropriation. \$674,000

The appropriation in this section is subject to the following conditions and limitations: The entire motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5757), Laws of 2023 (transportation revenue forecast) or chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 (transportation revenue forecast). If neither chapter . . . (Senate Bill No. 5757), Laws of 2023 or chapter . . . (Engrossed Substitute House

Bill No. 1838), Laws of 2023 are enacted by June 30, 2023, the amount provided in this section lapses.

(End of part)

TRANSPORTATION AGENCIES—OPERATING

<u>NEW SECTION.</u>	Sec. 201.	FOR THE
WASHINGTON TRAFFIC SAFETY COMMISSION		
Highway Safety Account—State Appropriation.		
\$5,093,000		
Highway Safety Account—Federal Appropriation		
.....	\$27,419,000	
Highway Safety Account—Private/Local		
Appropriation.	\$60,000	
Cooper Jones Active Transportation Safety		
Account—		
State Appropriation.	\$636,000	
Motor Vehicle Account—State Appropriation.		
\$400,000		
School Zone Safety Account—State		
Appropriation.	\$850,000	
TOTAL APPROPRIATION.....	\$34,458,000	

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

(1) \$400,000 of the Cooper Jones active transportation safety account—state appropriation is provided solely for grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the commission in consultation with the Cooper Jones active transportation safety council.

(2) \$485,000 of the highway safety account—state appropriation and \$50,000 of the highway safety account—federal appropriation are provided solely to develop a statewide public awareness campaign to inform and educate Washington citizens about the slow down and move over law, RCW 46.61.212. The educational campaign must include the use of public service announcements and written and digital informative and educational materials distributed by reasonable means. The commission and the department of licensing, working independently or in collaboration, or both, shall develop the public awareness campaign using any available resources, as well as federal and other grant funds that may, from time to time, become available for this purpose.

(3) Within existing resources, the commission must examine national safety reports and recommendations on alcohol and drug impaired driving and report to the transportation committees of the legislature, by December 15, 2023, any recommendations for legislative or policy changes to improve traffic safety in Washington state.

(4) (a) \$235,500 of the Cooper Jones active transportation safety account—state appropriation is provided solely for the commission to conduct research pertaining to the issue of street lighting and safety, including a public input component and learning from counties, cities, the state, and other impacted entities. Research may include the following:

(i) Interviewing additional local and regional roads departments, water-sewer districts, and other utility services to gather a holistic data set or further input on which authority assumes primary responsibility for street illumination in various underserved areas throughout the state;

(ii) Systematically soliciting information from communities with poor street illumination and lighting to gather input as to whether this is an issue the community would like to see improved;

(iii) Conferring with regional and state-level police, fire, and emergency medical services to assess and document potential delays in emergency response times due to poor street illumination;

(iv) Further assessing the impact of using LED lights in roadway and pedestrian scale lighting in reducing carbon emissions and light pollution throughout the United States; and

(v) Subject to more in-depth findings, convening a meeting with appropriate state, regional, and local stakeholders and community partners.

(b) The commission must report research results and provide any recommendations for legislative or policy action to the transportation committees of the legislature by January 1, 2025.

(5) Within existing resources, the commission, through the Cooper Jones active transportation safety council, must prioritize the review of pedestrian, bicyclist, or nonmotorist fatality and serious injury review when the victim is a member of a federally recognized tribe. Consistent with RCW 43.59.156(5), the commission may recommend any policy or legislative changes to improve traffic safety for tribes through such review.

(6) (a) \$400,000 of the motor vehicle account—state appropriation is provided solely for the commission to establish a pilot program to evaluate the outcomes and effectiveness of oral fluid roadside information used as part of the enforcement of driving under the influence laws. The commission, in cooperation with the Washington state patrol and associations representing local law enforcement agencies, must select a minimum of 10 locations to implement the pilot program as part of the field sobriety evaluation used in the investigation of suspected violations of driving under the influence laws. Pilot program locations must be initiated by March 1, 2024. The commission, in cooperation with the Washington state patrol and associations representing local law enforcement agencies, must establish specific requirements for pilot program locations including, but not limited to:

(i) Selection of the most valid and reliable oral fluid test instrument to be used;

(ii) Training for the law enforcement officers allowed to administer the test; and

(iii) Required measures to protect personally identifying information and test results.

(b) By June 30, 2025, the commission must submit a report detailing the results of the

pilot program to the appropriate policy and fiscal committees of the legislature.

(7) Within existing resources, the commission must review and report to the transportation committees of the legislature, by December 15, 2023, on strategies and technologies used in other states to prevent and respond to wrong-way driving crashes.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State	
Appropriation.	\$2,338,000
Motor Vehicle Account—State Appropriation.	
\$2,854,000	
County Arterial Preservation Account—State	
Appropriation.	\$1,726,000
TOTAL APPROPRIATION.....	\$6,918,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the county road administration board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State	
Appropriation.	\$4,589,000

The appropriation in this section is subject to the following conditions and limitations: Within appropriated funds, the transportation improvement board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

Multimodal Transportation Account—State	
Appropriation.	\$350,000
Motor Vehicle Account—State Appropriation.	
\$2,852,000	
TOTAL APPROPRIATION.....	\$3,202,000

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

(1)(a) \$250,000 of the motor vehicle account—state appropriation is for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study of a statewide retail delivery fee on orders of taxable retail items delivered by motor vehicles within the state. The study must:

(i) Determine the annual revenue generation potential of a range of fee amounts;

(ii) Examine options for revenue distributions to state and local governments based upon total deliveries, lane miles, or other factors; and

(iii) Estimate total implementation costs, including start-up and ongoing administrative costs.

(b) The study should document and evaluate similar programs adopted in other states. The joint transportation committee must submit a report on the study to the transportation committees of the legislature by June 30, 2024.

(2)(a) \$350,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to assess and make recommendations to the transportation committees of the legislature on the status of the workforce pipeline for commercial driver's license (CDL) operators and mechanics in the transit, highway maintenance, and maritime sectors across the state. The assessment must, but is not limited to:

(i) Identify barriers to entry for prospective CDL or mechanic candidates;

(ii) Examine existing programs that may be scaled to serve a greater number of candidates;

(iii) Highlight existing programs that may be replicated by transit agencies statewide; and

(iv) Recommend state policy changes or investments that may accelerate the growth of CDL operators and mechanics.

(b) A report on the assessment and recommendations is due to the legislature by December 1, 2024.

(3)(a) \$400,000 of the motor vehicle account—state appropriation is for the joint transportation committee, in collaboration with the department of transportation, to convene a work group to study and recommend a new statutory framework for the department's public-private partnership program. The committee may contract with a third-party consultant for work group support and drafting the new statutory framework.

(b)(i) The work group must consist of, but is not limited to, the following members:

(A) The secretary of transportation or their designee;

(B) Joint transportation committee executive committee members or their designees;

(C) The state treasurer or the state treasurer's designee;

(D) A representative of a national nonprofit organization specializing in public-private partnership program development;

(E) A representative of the construction trades; and

(F) A representative from an organization representing general contractors.

(ii) The work group must also consult with the Washington state transportation commission and the department of commerce.

(c)(i) The work group must review the 2012 joint transportation committee's

"Evaluation of Public-Private Partnerships" study, consisting of an evaluation of the recommendations for replacing chapter 47.29 RCW and development of a process for implementing public-private partnerships that serve the defined public interest, including, but not limited to:

(A) Protecting the state's ability to retain public ownership of assets constructed or managed under a public-private partnership contract;

(B) Allowing for the most transparency during the negotiation of terms of a public-private partnership agreement; and

(C) Addressing the state's ability to oversee the private entity's management of the asset.

(ii)(A) The work group must identify any barriers to the implementation of funding models that best protect the public interest, including statutory and constitutional barriers.

(B) The work group may also evaluate public-private partnership opportunities for required fish passage and culvert work on state highways, and for the construction of, replacement of, or commercial retail options within Washington state ferries' terminals.

(iii) The work group must update the 2012 recommendations and devise an implementation plan for the state.

(d) The work group must submit a preliminary report, including any recommendations or draft legislation, to the office of the governor and the transportation committees of the legislature by December 15, 2023. The work group must submit a final report with draft legislation to the office of the governor and the transportation committees of the legislature by July 1, 2024.

(4) \$450,000 of the motor vehicle account—state appropriation is for the joint transportation committee to provide oversight on the procurement of the hybrid-electric Olympic class vessels. The committee must hire an expert consultant to review Washington state ferries documents and procedures relating to the procurement and to identify opportunities to improve the process for the benefit of the state of Washington. The consultant must be familiar with vessel procurement best practices, the technologies and propulsion systems planned for use in new vessels, and Washington state ferries operations and procurement procedures. A report on the status and assessment of the procurement is due by December 15th of each year.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation. \$2,700,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation. \$187,000

Multimodal Transportation Account—State

Appropriation. \$125,000

State Route Number 520 Corridor Account—State

Appropriation. \$374,000

Tacoma Narrows Toll Bridge Account—State

Appropriation. \$225,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation. \$198,000

TOTAL APPROPRIATION. \$3,809,000

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

(1) \$125,000 of the multimodal transportation account—state appropriation and \$125,000 of the motor vehicle account—state appropriation are provided solely for the commission to update the statewide transportation plan required under RCW 47.01.071(4). The update process must be informed by guidance from a steering committee comprised of the commission, the joint transportation committee's executive committee, the governor's office, the secretary of the department of transportation, and representatives of metropolitan and regional transportation planning organizations. As part of the update process, the commission shall undertake specific actions in the following order:

(a) Conduct stakeholder outreach, gathering input, and framing the outreach around the current plan's policy construct and high level priorities, the 2022 transportation revenue package, and recently enacted significant policy legislation;

(b) Report outreach findings and results to the joint transportation committee for review and input;

(c) Restructure the plan to (i) primarily focus on high level policy priorities within the six transportation policy goals under RCW 47.04.280 and (ii) align policies, strategies, and objectives with the interests of stakeholders and legislators;

(d) Gather further input from stakeholders and the joint transportation committee on the restructured plan's format and content; and

(e) Finalize the updated plan, based upon input from stakeholders and the joint transportation committee.

(2) The legislature finds that the current balance of and projected revenues into the Alaskan Way viaduct replacement project account are sufficient to meet financial obligations during fiscal years 2024 and 2025.

(3) Within the parameters established under RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission shall consider adjusting maximum toll rates, minimum toll rates, and time-of-day rates, and restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue. The commission is encouraged to make any adjustments to toll rates in coordination with the planned expansion of express toll lanes between the cities of Renton and Bellevue.

(4) \$500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a route

jurisdiction study aimed at assessing the current state highway inventory and local roadway designations to determine if changes are needed in jurisdictional assignment between the state, county, and city road systems. The study must also review current criteria used to define the state highway system to determine if such criteria continue to be applicable. The commission shall submit a report of study findings and recommendations to the transportation committees of the legislature by July 1, 2025.

(5) (a) \$37,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$86,000 of the state route number 520 corridor account—state appropriation, \$46,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$31,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the commission to oversee a survey to assess public attitudes regarding a potential low-income tolling program for qualifying drivers.

(b) The survey must gather input on the potential value of a toll discount program for qualifying drivers, and potential barriers to participation in such a program. This input will support identification of potential options for toll discounts or credits and other potential benefits to pair with toll discounts or credits and inform the design of a possible future program. The commission must contract for administration of the survey with the center for economic and business research at Western Washington University.

(c) The commission must engage with members of the public who are interested in a potential low-income tolling program, including persons from communities of color, low-income households, vulnerable populations, and displaced communities. Input from members of the public must inform the design of the survey questionnaire and methodology. The commission must notify members of the public of opportunities to engage through a variety of communication channels including, but not limited to, the following: Outreach through community organizations, print and broadcast media, and social media.

(d) The results and findings from this survey research must be submitted to the transportation committees of the legislature by December 31, 2023.

(6) As part of the pilot program authorized under section 209(6) of this act, the commission shall set a schedule of toll rates, not to exceed 50 cents per trip, to generate revenue sufficient to provide for the cost of maintenance of the three state route number 520 eastside lids and surrounding areas at Evergreen Point Road, 84th Avenue NE, and 92nd Avenue NE.

(7) The commission may coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State
Appropriation. \$824,000

The appropriation in this section is subject to the following conditions and limitations: Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL

Alaskan Way Viaduct Replacement Project Account—
State Appropriation. \$43,000
State Patrol Highway Account—State
Appropriation. \$596,347,000
State Patrol Highway Account—Federal
Appropriation. \$20,030,000
State Patrol Highway Account—Private/Local
Appropriation. \$4,596,000
Highway Safety Account—State
Appropriation. \$1,438,000
Ignition Interlock Device Revolving Account—
State
Appropriation. \$1,940,000
Multimodal Transportation Account—State
Appropriation. \$300,000
State Route Number 520 Corridor Account—
State
Appropriation. \$89,000
Tacoma Narrows Toll Bridge Account—State
Appropriation. \$275,000
I-405 and SR 167 Express Toll Lanes Account—
State
Appropriation. \$2,896,000
TOTAL APPROPRIATION..... \$627,954,000

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

(1) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2023, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2023, to the director of the office of financial management and the transportation committees of the legislature. At the end of the fiscal quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since July

1, 2023, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 of this act.

(2) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(3)(a) By December 1st of each year during the 2023-2025 fiscal biennium, the Washington state patrol must report to the transportation committees of the legislature on the status of recruitment and retention activities as follows:

(i) A summary of recruitment and retention strategies;

(ii) The number of transportation funded staff vacancies by major category;

(iii) The number of applicants for each of the positions by these categories;

(iv) The composition of workforce;

(v) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(vi) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach, and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(b) During the 2023-2025 fiscal biennium, the office of financial management, with assistance of the Washington state patrol, must conduct two surveys regarding the competitiveness with law enforcement agencies within the boundaries of the state of Washington pursuant to RCW 43.43.380, with the first survey being informational regarding the change since the last survey was conducted and the second survey used as part of the collective bargaining process.

(4)(a) \$5,825,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities.

(b) Funding is not provided for the six-year replacement of individual portable radios and mobile car radios at this time. Before requesting funding as part of future agency budget submittals for this component of the land mobile radio project, the state patrol, in consultation with the office of the chief information officer, must conduct a technical feasibility analysis and cost comparison between potential project vendors to determine that the recommended vendor will result in the most cost-effective project delivery, while maintaining interoperability with other radio systems and ensure maximum radio coverage. A report detailing the results and recommendations from these requirements must be submitted to the office of financial management and the

transportation committees of the legislature by November 1, 2023.

(c) Beginning January 1, 2024, the Washington state patrol must report semiannually to the office of the chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six-month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the chief information officer, the report must be transmitted to the office of financial management and the transportation committees of the legislature.

(5) The appropriations in this section provide sufficient funding for state patrol staffing assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(6) \$2,072,000 of the state patrol highway account—state appropriation is provided solely for enhancing the state patrol's diversity, equity, and inclusion program and contracting with an external psychologist to perform exams. The state patrol will work with the governor's office of equity and meet all reporting requirements and responsibilities pursuant to RCW 43.06D.060 and expand its community engagement program.

(7) \$493,000 of the state patrol highway account—state appropriation is provided solely for the replacement aerial criminal investigation tools and related costs. This funding is subject to the conditions, limitations, and review requirements of section 701 of this act, and may not be used to purchase, acquire, or otherwise use an unmanned aircraft or unmanned aircraft system produced by a manufacturer of covered equipment, systems, or services pursuant to section 889 of the John S. McCain national defense authorization act for fiscal year 2019 (P.L. 115-232) or as amended by subsequent acts of the United States congress or federal administrative rule making.

(8) \$1,564,000 of the state patrol highway account—state appropriation is provided solely for vehicle identification number inspection staff to reduce the backlog of inspections. By October 1, 2024, the state patrol must submit a report detailing the progress on reducing the inspection backlog and related activities to the office of financial management and the transportation committees of the legislature.

(9)(a) \$10,000 of the state patrol highway account—state appropriation is provided solely for the Washington state patrol to administer a pilot program that implements a yellow alert system notifying the public when a hit-and-run accident resulting in a fatality or substantial bodily harm has occurred and been reported to the state patrol or other local law enforcement entity. The Washington state

patrol must post on traffic message boards or share on public communication systems any identifying information acquired including, but not limited to, a complete or partial license plate number or a description of the vehicle. Each alert must be posted or shared as such for at least 24 hours.

(b) The Washington state patrol must report the following to the transportation committees of the legislature annually until June 30, 2025:

(i) The number of yellow alerts received;

(ii) The number of arrests made from accidents reported on the yellow alert system;

(iii) The number of hit-and-run accidents resulting in a fatality or substantial bodily harm statewide;

(iv) The number of arrests made from accidents described under (b)(iii) of this subsection; and

(v) The number of hit-and-run accidents reported statewide.

(c) The Washington state patrol must also report on the efficacy of the program and recommend in its final report if the pilot program should continue or be enacted on a permanent basis and implemented statewide, based on the results of the report.

(10)(a) \$1,870,000 of the state patrol highway account—state appropriation is provided solely for administrative costs, advertising, outreach, and bonus payments associated with developing and implementing a state trooper expedited recruitment incentive program for the purpose of recruiting and filling vacant trooper positions in the 2023-2025 fiscal biennium. The recruitment, advertising, and outreach associated with this program must continue efforts to create a more diverse workforce and must also provide an accelerated pathway for joining the state patrol for high quality individuals who have previously been employed as a general authority peace officer.

(b) The state trooper expedited recruitment incentive program established by the Washington state patrol must include:

(i) Thorough hiring procedures to ensure that only the highest quality candidates are selected as cadets and as lateral hires, including extensive review of past law enforcement employment history through extensive reference checks, Brady list identification, and any other issues that may impact the performance, credibility, and integrity of the individual.

(ii) An accelerated training program for lateral hires from other agencies that recognizes the knowledge and experience of candidates previously employed in law enforcement; and

(iii) A sign-on bonus for each trooper hired through the expedited recruitment incentive program as follows:

(A) \$4,000 for each cadet after completion of the Washington state patrol academy;

(B) A bonus amount for each successful graduating cadet after completion of a one-year probation period based on any collectively bargained negotiated retention incentive bonus payment for commissioned staff;

(C) \$8,000 for each lateral hire after completion of the accelerated training program for lateral hires;

(D) \$6,000 for each lateral hire after completion of a one-year probation period; and

(E) \$6,000 for each lateral hire after completion of two years of service.

(c) The expenditure on the state trooper expedited recruitment incentive program is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Expenditures and eligibility for the state trooper expedited recruitment incentive program established in this section are subject to the availability of amounts appropriated for this specific purpose.

(d) For the purposes of this subsection:

(i) "Cadet" means a person employed for the express purpose of receiving the on-the-job training required for attendance at the Washington state patrol academy and for becoming a commissioned trooper.

(ii) "Lateral hire" means an eligible employee previously employed as a general authority peace officer.

(11) \$3,864,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 (speed safety cameras). If chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(12) \$500,000 of the state patrol highway account—state appropriation is provided solely for bonuses and other recruitment and retention-related compensation adjustments for communication officers and other noncommissioned staff of the Washington state patrol who are covered by a collective bargaining agreement. Funding in this subsection must first be used for targeted adjustments for communication officers. Remaining amounts may be used for compensation adjustments for other noncommissioned staff. Funding provided in this subsection is contingent upon the governor or the governor's designee reaching an appropriate memorandum of understanding with the exclusive bargaining representative. Agreements reached for compensation adjustments under this section may not exceed the amounts provided. If any agreement or combination of agreements exceed the amount provided in this subsection, all the agreements are subject to the requirements of RCW 41.80.010(3).

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF LICENSING

Driver Licensing Technology Support Account—State	
Appropriation.	\$1,743,000
Driver's Education Safety Improvement Account—State	
Appropriation.	\$638,000
Marine Fuel Tax Refund Account—State	
Appropriation.	\$34,000
Motorcycle Safety Education Account—State	
Appropriation.	\$5,166,000

Limited Fish and Wildlife Account—State Appropriation.	\$733,000
Highway Safety Account—State Appropriation. \$262,592,000	
Highway Safety Account—Federal Appropriation	\$2,371,000
Motor Vehicle Account—State Appropriation. \$94,207,000	
Motor Vehicle Account—Private/Local Appropriation.	\$1,336,000
Ignition Interlock Device Revolving Account—State Appropriation.	\$6,340,000
Department of Licensing Services Account—State Appropriation.	\$8,451,000
License Plate Technology Account—State Appropriation.	\$4,135,000
Abandoned Recreational Vehicle Account—State Appropriation.	\$3,082,000
Limousine Carriers Account—State Appropriation.	\$126,000
Electric Vehicle Account—State Appropriation	\$430,000
DOL Technology Improvement & Data Management Account—State Appropriation.	\$914,000
Agency Financial Transaction Account—State Appropriation.	\$16,998,000
Move Ahead WA Flexible Account—State Appropriation.	\$6,020,000
TOTAL APPROPRIATION.....	\$415,316,000

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

(1) \$1,100,000 of the highway safety account—state appropriation and \$1,100,000 of the move ahead WA flexible account—state appropriation are provided solely for the department to provide an interagency transfer to the department of children, youth, and families for the purpose of providing more comprehensive driver's support to foster youth within existing resources. In addition to support services required under RCW 74.13.338(2), support services may include:

(a) Reimbursement for the cost incurred by youth in foster care, foster parents, relative placements, or other foster placements adding a foster youth to his or her motor vehicle insurance policy, with a preference on reimbursements for those foster youth who practice safe driving and avoid moving violations and at-fault collisions.

(b) Reimbursement of the cost of roadside assistance, car insurance deductibles, car tab renewals, car registration fees, AAA membership, gas cards, car maintenance, and comprehensive car insurance.

(c) Reimbursement of any other costs related to obtaining a driver's license and driving legally and safely.

(2) \$3,924,000 of the move ahead WA flexible account—state appropriation is provided solely to establish two mobile licensing units to provide driver's licensing and identocard services to individuals outside of the typical license service office. By December 1, 2024, the department must submit a report to the governor and the transportation committees of the legislature detailing the locations served, the number and type of documents

issued, and other outcome measures associated with the mobile licensing units.

(3) \$150,000 of the highway safety account—state appropriation is provided solely for the department to conduct a study on the feasibility of implementing a mobile application for driver licensing. The department must submit a report of the study findings and any recommendations to the governor and the transportation committees of the legislature by December 1, 2024. The study must:

(a) Review the adoption actions in other states, including successes and lessons learned;

(b) Examine existing technical infrastructure and potential changes needed to maximize interoperability, utility, and privacy protection;

(c) Identify the technical investments and other costs associated with issuing digital drivers' licenses through a mobile application;

(d) Identify how the technology may impact and can be used by external stakeholders, such as law enforcement;

(e) Recommend any process changes required to implement the program successfully and ensure customer satisfaction; and

(f) Recommend any statutory changes required to allow for the usage of digital drivers' licenses, including recognition of interstate travelers.

(4) (a) \$300,000 of the highway safety account—state appropriation is provided solely for the department to lead a study on the potential impacts of driver monitoring technology as an assessment tool to be used as part of driver education, intermediate licensure, restricted licensure, or identification of high-risk drivers. For purposes of this subsection, "driver monitoring technology" means an in-vehicle sensor linked to an application to track and record real-time driving data, with both immediate in-vehicle feedback and delayed retrospective feedback that would send such data to the department or the department's service provider, with the intent to modify driving behavior and improve road safety outcomes, including speeding, abrupt braking, harsh acceleration, hard cornering, and distracted driving.

(b) The department must consult with the Washington traffic safety commission, office of equity, representatives of the driver training school industry, organizations representing young and older drivers, organizations representing underrepresented populations, and organizations representing businesses or government entities that support novice drivers in completing this study.

(c) The department must report study findings as to the potential use of driver monitoring technology in licensing applications to the governor and the transportation committees of the legislature by December 1, 2024. The department must report study findings as to the feasibility of driver monitoring technology implementation, including which areas of licensing practices may benefit from driver monitoring technology, to the governor and

transportation committees of the legislature by June 30, 2025.

(5) \$283,000 of the highway safety account—state appropriation is provided solely for the department, in consultation with the Washington traffic safety commission, department of health, the elder law section of the Washington state bar association, organizations representing older drivers, and driver rehabilitation specialists, to develop a comprehensive plan aimed at improving older driver safety. The department must submit a report on the comprehensive plan to the governor and the transportation committees of the legislature by December 1, 2024. The plan must include, but is not limited to:

(a) A comprehensive review of department policies surrounding older drivers and medically at-risk drivers, including:

(i) The medical assessment review process; and

(ii) The counter assessment process in licensing service offices;

(b) A feasibility analysis of the department establishing a medical advisory board to advise on general policy for at-risk drivers, driving privileges for individual medically at-risk drivers, and an appeals process for drivers whose privileges are revoked or restricted due to medical conditions;

(c) A recommended assessment tool to determine a driver's potential risk to themselves or others when operating a motor vehicle so the department may make informed decisions on appropriate courses of action within the older driver program;

(d) A draft of the rules associated with the plan;

(e) An implementation schedule for the components of the plan;

(f) Detailed information on how each component of the plan improves the safety associated with older drivers, while preserving the maximum level of older driver independence and privacy; and

(g) Any additional recommended statutory changes required to implement the plan.

(6) \$250,000 of the highway safety account—state appropriation is provided solely for the department to implement improvements to older driver traffic safety, which may include:

(a) Developing a program where older drivers who voluntarily surrender their driver's license before or on its expiration date receive a no-cost identicard;

(b) Reducing the length of time by which the driver's license of an older driver expires; and

(c) Other recommendations from the department.

(7) For purposes of subsections (5) and (6) of this section, "older driver" means a driver who is issued an original or renewed driver's license on or after the age of 70.

(8) \$5,499,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade and improve its prorate and fuel tax system, and is subject to the conditions, limitations, and review requirements of section 701 of this act. In each phase of the project, the department must ensure and document the

increase in business capabilities and customer service outcomes, the improvements in fuel tax collection related information designed to resolve historical discrepancies in reporting information, and how the implementation plan mitigates risks associated with the proposed timeline and results in the sustainability of systems and platforms for the future. Before initiating the implementation phase of the project, the department must report to the office of the chief information officer on how the project meets its FAST act modernization roadmap, and vendor management and resource plans.

(9) \$16,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$947,000 of the highway safety account—state appropriation, \$308,000 of the motor vehicle account—state appropriation, \$14,000 of the ignition interlock device revolving account—state appropriation, and \$14,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements in section 701 of this act.

(10) \$25,557,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued and renewed, and the number of primary drivers' licenses and identicards issued and renewed. By November 1, 2024, the department must prepare a report with recommendations on the future of licensing service office operations based on the recent implementation of efficiency measures designed to reduce the time for licensing transactions and wait times, and the implementation of statutory and policy changes during the pandemic.

(11) For the 2023-2025 fiscal biennium, the department shall charge \$1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(12) \$742,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with improvements desired to resolve delays in the production of license plates, including converting all subagents to the standard ordering process as recommended in the December 2022 plate inventory report, and to provide updated annual reports detailing changes in license plate production, inventory, and other practices taken to guard against plate production delays. The reports must be submitted to the

governor and the transportation committees of the legislature by December 1, 2023, and December 1, 2024.

(13) \$243,000 of the highway safety account—state appropriation is provided solely for the department to continue to provide written materials on, place signage in licensing service offices regarding, and include into new driver training curricula, the requirements of RCW 46.61.212, the slow down and move over law.

(14) The appropriations in this section provide sufficient funding for the department of licensing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(15) \$3,082,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2023-2025 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(16) \$1,077,000 of the highway safety account—federal appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5041), Laws of 2023 (CDL drug and alcohol clearinghouse) or chapter . . . (House Bill No. 1448), Laws of 2023 (CDL drug and alcohol clearinghouse). If neither chapter . . . (Senate Bill No. 5041), Laws of 2023 or chapter . . . (House Bill No. 1448), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(17) \$116,000 of the highway safety account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5251), Laws of 2023 (streamlining CDL issuance) or chapter . . . (House Bill No. 1058), Laws of 2023 (streamlining CDL issuance). If neither chapter . . . (Senate Bill No. 5251), Laws of 2023 or chapter . . . (House Bill No. 1058), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(18) \$1,972,000 of the highway safety account—state appropriation and \$1,276,000 of the driver's education safety improvement account—state appropriation are provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5583), Laws of 2023 (improving young driver safety). If chapter . . . (Substitute Senate Bill No. 5583), Laws of 2023 is not enacted by June 30, 2023, the amounts provided in this subsection lapse.

(19) \$180,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5504), Laws of 2023 (open motor vehicle safety recalls). If chapter . . .

(Substitute Senate Bill No. 5504), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(20) \$1,206,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5326), Laws of 2023 (verification of motor vehicle insurance). If chapter . . . (Substitute Senate Bill No. 5326), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(21) \$497,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5112), Laws of 2023 (updating processes related to voter registration). If chapter . . . (Substitute Senate Bill No. 5112), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(22) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5333), Laws of 2023 (the state sport special license plate). If chapter . . . (Substitute Senate Bill No. 5333), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(23) \$29,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5590), Laws of 2023 (Mount St. Helens special license plate) or chapter . . . (House Bill No. 1489), Laws of 2023 (Mount St. Helens special license plate). If neither chapter . . . (Senate Bill No. 5590), Laws of 2023 or chapter . . . (House Bill No. 1489), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(24) \$29,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5738) (LeMay special license plate) or chapter . . . (House Bill No. 1829), Laws of 2023 (LeMay special license plate). If neither chapter . . . (Senate Bill No. 5738), Laws of 2023 or chapter . . . (House Bill No. 1829), Laws of 2023 are enacted by June 30, 2023, the amount provided in this subsection lapses.

(25) \$29,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5347), Laws of 2023 (driver's abstract changes). If chapter . . . (Substitute Senate Bill No. 5347), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(26) \$47,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5440), Laws of 2023 (competency evaluations). If chapter . . . (Substitute Senate Bill No. 5440), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(27) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of

chapter . . . (Senate Bill No. 5606), Laws of 2023 (illegal racing). If chapter . . . (Senate Bill No. 5606), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(28) \$155,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 5128), Laws of 2023 (jury diversity). If chapter . . . (Substitute Senate Bill No. 5128), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B

State Route Number 520 Corridor Account—State	
Appropriation.	\$58,645,000
State Route Number 520 Civil Penalties Account—State	
Appropriation.	\$4,178,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.	\$30,594,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation.	\$20,587,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	
\$23,658,000	
TOTAL APPROPRIATION.....	\$137,662,000

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

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and

NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips; and

(b) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3) \$314,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$734,000 of the state route number 520 corridor account—state appropriation, \$315,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$413,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2021-2023 fiscal biennium.

(4) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's website in a manner consistent with past practices as specified in section 209(5), chapter 186, Laws of 2022.

(5) As part of the department's 2025-2027 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(6)(a) The department shall oversee a pilot program to deploy advanced technologies to collect tolls on the westbound state route number 520 on-ramp at 84th Avenue NE beginning no later than December 31, 2023, and ending June 30, 2025. Tolls and other revenues received from the pilot program must be deposited into the state route number 520 corridor account to be used solely to provide for the cost of maintenance of the three state route number 520 eastside lids and surrounding areas at Evergreen Point Road, 84th Avenue NE, and 92nd Avenue NE. The pilot program must use advanced technologies that enable the installation of any required equipment and testing to be provided at no cost to the state of Washington; however, the department shall provide staff time to support the pilot program.

(b) The pilot program shall utilize a system that provides:

- (i) Image capture technology;
- (ii) Self-contained technology that does not require a connection to the department's communications and utilities;
- (iii) A reduced physical footprint without using overhead infrastructure; and
- (iv) A license plate accuracy rate of 99 percent or more to reduce the risk of vehicle misidentification.

(c) By December 1, 2024, the department and the transportation commission shall provide a report to the transportation committees of the legislature on:

(i) An assessment of how well the system was able to identify vehicles using the on-ramp;

(ii) Revenues generated by the pilot program;

(iii) Other lessons learned from the pilot program; and

(iv) Recommendations of whether to extend the pilot program or expand the use of advanced tolling technology on state highways.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State	
Appropriation.	\$1,494,000
Motor Vehicle Account—State Appropriation.	
\$118,977,000	
Puget Sound Ferry Operations Account—State	
Appropriation.	\$307,000
Multimodal Transportation Account—State	
Appropriation.	\$2,986,000
Transportation 2003 Account (Nickel Account)	
—State	
Appropriation.	\$1,488,000
TOTAL APPROPRIATION.....	\$125,252,000

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

(1) \$2,006,000 of the motor vehicle account—state appropriation is provided solely for hardware cost increases. Before any hardware replacement, the department, in consultation with WaTech, must further review leasing options.

(2) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING

Motor Vehicle Account—State Appropriation.	
\$38,572,000	
Move Ahead WA Account—State Appropriation.	
\$2,812,000	
State Route Number 520 Corridor Account—	
State	
Appropriation.	\$34,000
TOTAL APPROPRIATION.....	\$41,418,000

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

(1) The appropriations in this section provide sufficient funding for the department assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(2) (a) (i) \$500,000 of the move ahead WA account—state appropriation is provided solely for the department to conduct a detailed space study and develop an

implementation plan that builds off the findings and recommendations of the department's "Telework Impact Study" completed in September 2022. Such efforts must also incorporate office space use reduction requirements for the department in this act as well as current and planned telework levels. The detailed space study and development of the implementation plan must be conducted in consultation with the office of financial management and the department of enterprise services, and must focus on office and administrative space efficiency, providing specific recommendations, cost estimates, and cost savings. While focused on office and administrative space, the department is encouraged to review other types of facilities where efficiencies can be achieved. The final study report must include:

(A) The development of low, medium, and high scenarios based on reducing space use, with the high space reduction scenario being based on a minimum of a 30 percent reduction by 2030;

(B) Detailed information on any increased capital and other implementation costs under each scenario;

(C) Detailed information on reduced costs, such as leases, facility maintenance, and utilities, under each scenario;

(D) An analysis of opportunities to collocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency while meeting utilization standards; and

(E) An assessment of the commercial value and return to the state transportation funds associated with the sale of the property from consolidation and other space efficiency measures.

(ii) The department must submit the implementation plan and final report from the detailed space study to the office of financial management and the transportation committees of the legislature by October 1, 2024.

(b) (i) Conducting the detailed space study under (a) of this subsection must not prevent or delay the department from meeting other space use and related requirements, or where warranted by current information or opportunities.

(ii) In addition to the reporting requirement under (a) of this subsection, the department must provide information to the office of financial management in its comparative analysis of office space, leases, and relocation costs required by the omnibus operating appropriations act.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION EQUIPMENT FUND—PROGRAM E

Move Ahead WA Account—State Appropriation.	
\$14,060,000	
Multimodal Transportation Account—State	
Appropriation.	\$433,000
TOTAL APPROPRIATION.....	\$14,493,000

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

(1) \$14,060,000 of the move ahead WA account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment and replacing fuel sites. Beginning January 1, 2024, and annually thereafter, the department must provide a report to the office of financial management and the transportation committees of the legislature detailing the current progress on replacing obsolete equipment, progress towards reaching a level purchasing state, and the status of implementing a fuel site replacement prioritization plan.

(2) (a) \$100,000 of the multimodal transportation account—state appropriation is provided solely for the department to administer a pilot program to install and test intelligent speed monitoring technology in a portion of the department's fleet of vehicles while using global positioning system technology and other mapping tools to monitor vehicle location and corresponding speed limits on traveled roadways.

(b) The pilot program must begin by January 1, 2024, for a 12-month period. By June 30, 2025, the department must report to the transportation committees of the legislature the results of the pilot program and provide any legislative or policy recommendations.

<u>NEW SECTION.</u>	Sec. 213.	FOR THE
DEPARTMENT OF TRANSPORTATION—PROGRAM F	TRANSPORTATION—AVIATION—	PROGRAM F
Aeronautics Account—State Appropriation.		
\$11,790,000		
Aeronautics Account—Federal Appropriation.		
\$3,650,000		
Aeronautics Account—Private/Local Appropriation.		
		\$60,000
TOTAL APPROPRIATION.....		\$15,500,000

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

(1) \$2,000,000 of the aeronautics account—state appropriation is provided solely for the Move Ahead Washington expansion of airport aid grants, airport preservation and maintenance, and support of land use planning and education activities.

(2) \$1,476,000 of the aeronautics account—state appropriation is provided solely for sustainable aviation grant projects submitted by the department in December 2022.

(3) \$300,000 of the aeronautics account—state appropriation is provided solely for the department to develop a statewide advanced air mobility aircraft plan to develop and integrate advanced air mobility aircraft into current modal systems. The department shall submit a report by June 1, 2025, to the office of financial management and the transportation committees of the legislature including, but not limited to:

(a) Near, medium, and long-term recommendations for land use planning for advanced and urban air mobility vertiports and vertistops;

(b) An inventory of infrastructure needs to support a statewide vertiport network and a recommended program to deploy funds to local governments to share costs;

(c) Proposed state governance structures and regulatory mechanisms to adequately complement federal aviation administration oversight;

(d) Recommended policies to foster vertiport and vertistop infrastructure development that ensure open public access, efficiency in land use siting, and equitable distribution across the state; and

(e) In consultation with local jurisdictions, planning organizations, and other modal managers, recommendations on advanced air mobility aircraft integration into statewide transportation plans.

<u>NEW SECTION.</u>	Sec. 214.	FOR THE
DEPARTMENT OF TRANSPORTATION—PROGRAM H	DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H	DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H
Motor Vehicle Account—State Appropriation.		
\$61,222,000		
Motor Vehicle Account—Federal Appropriation.		
		\$500,000
Multimodal Transportation Account—State Appropriation.		
		\$758,000
Move Ahead WA Flexible Account—State Appropriation.		
		\$572,000
TOTAL APPROPRIATION.....		\$63,052,000

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

(1) During the 2023-2025 fiscal biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(2) \$469,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(3) The department shall offer to sell the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature Trail in Des Moines, to Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S., Seattle, WA 98144, in accordance with RCW 47.12.063 at fair market value because the legislature finds it in the public interest to do so for the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave. South and South Dearborn Street to increase the supply of affordable housing.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations

act to restore funding as authorized staffing levels are achieved.

(5)(a) \$572,000 of the move ahead WA flexible account—state appropriation is provided solely to track and maximize clean fuels credit generation of at least five percent and not more than 10 percent in nonadvance clean fuels credits from transportation investments as required under RCW 70A.535.050(3).

(b) The LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, anticipates fulfillment of the requirements under RCW 70A.535.050(3) of generating nonadvance credits for transportation investments funded in an omnibus transportation appropriations act, including the move ahead WA transportation package. The clean fuels credit generation anticipates nonadvance credits for ferry electrification for new hybrid electric vessels, active transportation, transit programs and projects, alternative fuel infrastructure, connecting communities, and multimodal investments.

(c) Pursuant to the reporting requirements of RCW 70A.535.050(5), the department must present a detailed projection of the credit revenues generated and achieved directly as a result of the funding and activities in this subsection.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle Account—State Appropriation.	
\$660,000	
Electric Vehicle Account—State Appropriation	
.....	\$4,746,000
Multimodal Transportation Account—State	
Appropriation.....	\$2,100,000
Multimodal Transportation Account—Federal	
Appropriation.....	\$25,000,000
Carbon Emissions Reduction Account—State	
Appropriation.....	\$9,400,000
TOTAL APPROPRIATION.....	\$41,906,000

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

(1) \$1,746,000 of the electric vehicle account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(2) \$1,000,000 of the electric vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for

the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.

(3) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(4) The legislature recognizes that for the state to meet long-term zero emissions goals requires consumers have options when investing in different vehicle technologies, including battery electric vehicles and fuel cell electric vehicles. Therefore, it is the intent of the legislature to appropriate climate commitment act funds not to exceed \$30,000,000 over the next three biennia as a state match for secured federal funds to finance hydrogen fueling stations in disadvantaged and overburdened communities for both passenger and light-truck vehicles and medium to heavy-duty vehicles. The department, in consultation with the interagency electric vehicle coordinating council, must pursue any federal funding available through the charging and fueling infrastructure discretionary grant program and any other sources under the federal infrastructure investment and jobs act (P.L. 117-58).

(5) \$9,400,000 of the carbon emissions reduction account—state appropriation is provided solely for clean alternative fuel charging and infrastructure projects and activities selected by the department in consultation with the interagency electric vehicle coordinating council.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation.	
\$510,925,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$7,000,000
Move Ahead WA Account—State Appropriation.	
\$19,000,000	
State Route Number 520 Corridor Account—	
State	
Appropriation.....	\$4,723,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.....	\$1,585,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation.....	\$8,752,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$2,624,000	
TOTAL APPROPRIATION.....	\$554,609,000

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

(1) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the

office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(2) The department must continue a pilot program for the 2023-2025 fiscal biennium at the four highest-demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program.

(3) \$3,195,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(5) \$294,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter . . . (Senate Bill No. 5487), Laws of 2023 (parking at rest areas). If chapter . . . (Senate Bill No. 5487), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(6) \$10,040,000 of the motor vehicle account—state appropriation is provided solely for the department to address safety improvements and debris cleanup on department-owned rights-of-way from encampments of people living on such rights-of-way. Of the amounts provided in this subsection, \$500,000 is for the department to contract with the Washington state patrol for support of the department's activities as needed.

(a) Of this amount, a minimum of \$1,025,000 is to be used for a continued partnership program between the department and the city of Seattle, provided that the department's level of effort to implement safety improvements and debris cleanup on department-owned rights-of-way in the city of Seattle must not be reduced from the level implemented during the 2021-2023 fiscal biennium.

(b) Of this amount, a minimum of \$1,015,000 is to be used for a continued partnership program between the department and the city of Tacoma.

(c) Beginning November 1, 2023, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the transportation committees of the legislature on the efforts described under this subsection, including:

(i) A summary of the activities related to addressing encampments, including information on arrangements with local governments or other entities related to these activities;

(ii) A description of the planned activities in the ensuing two quarters to further address the emergency hazards and risks along state highway rights-of-way; and

(iii) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(7) The department shall submit a report to the transportation committees of the legislature by December 1, 2023, with a review of best practices to efficiently cleanup highway litter and debris and recommendations for improving the efficiency of the department's highway clean-up efforts and reducing safety risks to highway clean-up workers. The report must consider new technologies that could improve the safety and efficiency of highway cleanup.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—OPERATING

Highway Safety Fund—State Appropriation.	
\$3,529,000	
Motor Vehicle Account—State Appropriation.	
\$77,611,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$2,050,000
Motor Vehicle Account—Private/Local	
Appropriation.....	\$294,000
Move Ahead WA Account—State Appropriation.	
\$3,090,000	
Multimodal Transportation Account—State	
Appropriation.....	\$5,200,000
State Route Number 520 Corridor Account—	
State	
Appropriation.....	\$247,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.....	\$44,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation.....	\$1,122,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$37,000	
TOTAL APPROPRIATION.....	\$93,224,000

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

(1) \$6,000,000 of the motor vehicle account—state appropriation and \$1,811,000 of the move ahead WA account—state appropriation are provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) (a) During the 2023-2025 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot

program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) Nothing in this subsection is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.17.400, 46.44.090, and 46.44.091 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions. The department shall also submit, as part of its 2025-2027 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023, 2023-2025, and 2025-2027 biennia, and any recommendations to improve the cost recovery approach.

(4) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted through June 30, 2025. The department may coordinate such messaging

with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission, or both.

(5) \$5,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to address emergent issues related to safety for pedestrians and bicyclists. Funds may only be spent after approval from the office of financial management. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all emergent issues addressed in the prior fiscal biennium.

(6) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(7) \$3,529,000 of the highway safety account—state appropriation is provided solely for implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 (speed safety cameras). If chapter . . . (Engrossed Substitute Senate Bill No. 5272), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(8) \$1,279,000 of the move ahead WA account—state appropriation is provided solely for maintenance and operations of the virtual coordination center. The department is encouraged to apply for federal grant funds for the virtual coordination center and may use state funds as a match. By December 1, 2023, the department shall report to the transportation committees of the legislature recommendations to expand the center's operations, including specific additional jurisdictions and corridors across the state.

(9) The department shall submit a report to the transportation committees of the legislature by December 1, 2023, with a prioritized list of recommendations for improving safety and mobility on Interstate 90 between North Bend and Cle Elum during winter weather events, including estimated costs. The recommendations must include, but are not limited to, options to improve compliance with traction tire and chain requirements and reduce snow-related closures.

(10) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the department of transportation, in collaboration with the Washington state patrol, to administer a pilot program requiring one motor carrier with intrastate commercial motor vehicles and a poor equipment and traffic safety record to operate with side underride guards, or rear impact guards consistent with updates to federal motor vehicle safety standards 223 and 224, or both, on designated public highways of the state. By June 30, 2025, the department must collect data and report to the transportation committees of the legislature the program impacts on highway safety, traffic movement, and the environment, if any. The report must

also include a recommendation if the pilot program should continue or be enacted on a permanent basis for all other motor carriers with intrastate commercial motor vehicles.

(11)(a) The department shall establish the weigh station preclearance program in accordance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards authorized by the federal motor carrier safety administration. The program must include preclearance systems providers that meet the following criteria:

(i) The preclearance system commercial mobile radio services and dedicated short-range communication devices as transponders technologies must be represented in the program.

(ii) The preclearance system must be broadly deployed across the state for interstate operability purposes on the effective date of this section.

(b) Computer software and hardware, including any infrastructure-based devices or technologies, that is necessary to implement this section and must be made available at no cost to the Washington state patrol. The preclearance system provider is responsible for all costs of operating and maintaining the computer software and hardware. The computer software and hardware must meet all of the following criteria:

(i) The computer software and hardware must meet the requirements of the federal motor carrier safety administration for core compliance with the commercial vehicle information systems and networks electronic screening truck inspection and weigh station preclearance standards.

(ii) In-vehicle equipment must be operated in compliance with applicable state law and regulations.

(iii) Preclearance messaging must be transmitted and received by the driver through electronic messaging within the cab of the commercial motor vehicle.

(iv) If required for preclearance services, real-time data from weigh-in-motion systems or any other systems shall be made available to preclearance system providers.

(c) The department, in consultation with the Washington state patrol, shall establish standards for the program in order to meet the needs of this state and conform with weigh station preclearance programs in other states, including standards regarding safety history credential status.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

Motor Vehicle Account—State Appropriation.	
\$59,774,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$780,000
Motor Vehicle Account—Private/Local	
Appropriation.	\$500,000
Move Ahead WA Flexible Account—State	
Appropriation.	\$6,400,000
Puget Sound Ferry Operations Account—State	
Appropriation.	\$488,000
Multimodal Transportation Account—State	

Appropriation.	\$22,323,000
State Route Number 520 Corridor Account—	
State	
Appropriation.	\$220,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.	\$136,000
Alaskan Way Viaduct Replacement Project	
Account—	
State Appropriation.	\$127,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$114,000	
TOTAL APPROPRIATION.....	\$90,862,000

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

(1)(a) \$2,000,000 of the motor vehicle account—state appropriation and \$6,400,000 of the move ahead WA flexible account—state appropriation are provided solely for efforts to increase diversity in the transportation construction workforce through:

(i) The preapprenticeship support services (PASS) and career opportunity maritime preapprenticeship support services (COMPASS) programs, which aim to increase diversity in the highway construction and maritime workforces and prepare individuals interested in entering the highway construction and maritime workforces. In addition to the services allowed under RCW 47.01.435, the PASS and COMPASS programs may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems to support their participation in a transportation-related preapprenticeship program and support services to obtain necessary maritime documents and coast guard certification;

(ii) Assisting minority and women-owned businesses to perform work in the highway construction industry;

(iii) Free-of-charge business counseling and technical assistance to minority and women-owned businesses to help them compete for the department's projects;

(iv) A program to allow smaller minority and women-owned trucking companies to pool their resources and compete with larger scale trucking operations; and

(v) A capacity building mentorship program to enable more mentor contractors and consultants to be paired with veteran-owned businesses or firms certified by the office of minority and women's business enterprises.

(b) The department shall report annually to the transportation committees of the legislature on efforts to increase diversity in the transportation construction workforce.

(2) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project.

(3) \$21,195,000 of the motor vehicle account—state appropriation and \$21,194,000 of the multimodal transportation account—

state appropriation are provided solely for the department to upgrade the transportation reporting and accounting information system to the current cloud version of the software, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(5) If either chapter . . . (Senate Bill No. 5757), Laws of 2023 (transportation revenue forecast) or chapter . . . (Engrossed Substitute House Bill No. 1838), Laws of 2023 (transportation revenue forecast) is enacted by June 30, 2023, \$278,000 of the motor vehicle account—state appropriation in this section lapses.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

Motor Vehicle Account—State Appropriation.	
\$30,660,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$31,742,000
Motor Vehicle Account—Private/Local	
Appropriation.	\$400,000
Move Ahead WA Flexible Account—Federal	
Appropriation.	\$11,922,000
Multimodal Transportation Account—State	
Appropriation.	\$3,414,000
Multimodal Transportation Account—Federal	
Appropriation.	\$2,809,000
Multimodal Transportation Account—Private/	
Local	
Appropriation.	\$100,000
TOTAL APPROPRIATION.....	\$81,047,000

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

(1) \$1,750,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce and regional transportation planning organizations in implementing vehicle miles traveled targets and supporting actions. The department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations, and other stakeholders to determine the level of vehicle miles traveled reductions needed to meet state goals for greenhouse gas emissions above what will already be achieved by vehicle electrification. Vehicle miles traveled reduction targets and actions to meet those targets will be set by region for those regions who opt to pilot the new process. The department shall provide technical assistance to local partners in developing targets, conducting modeling and analysis, identifying appropriate strategies to meet targets, and conducting outreach. The department will build on the recommendations developed in section 219(3), chapter 186, Laws of 2022. As part of target setting, important factors that must be considered

include land use patterns, safety, and vulnerable populations. The department shall provide an interim report by June 30, 2024, and a final report by June 30, 2025.

(2) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(3)(a) \$330,000 of the motor vehicle account—state appropriation and \$330,000 of the motor vehicle account—federal appropriation are provided solely for the department to continue implementation of a performance-based project evaluation model. This implementation work should include:

- (i) Public engagement and outreach;
- (ii) Establishment of data flow for criteria;
- (iii) Ongoing implementation of the evaluation process in coordination with the legislative work cycle; and
- (iv) Migration to a web-based or app-based system with an external user interface.

(b) The department must issue a report by September 1, 2024, with an update on implementation of the new project evaluation model, new system and user interface, and efforts to coordinate project evaluation with the legislative work cycle.

(4)(a) \$180,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the Interstate 5 corridor between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges.

(c) The study is due to the governor and transportation committees of the legislature by September 1, 2024.

(5) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by state route number 99.

- (a) The support work must include:
 - (i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning state route number 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of state route number 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, and the transportation committees of the legislature by December 1, 2024.

(6) \$15,000,000 of the motor vehicle account—federal appropriation is provided solely for the transportation planning, data, and research program. The department shall prioritize federal funding for legislatively directed projects and activities in this section above other federally funded projects and activities authorized in this act.

(7) \$2,557,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade the department's linear referencing system (LRS) and highway performance monitoring system (HPMS), and is subject to the conditions, limitations, and review requirements in section 701 of this act.

(8) \$306,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 (transit-oriented development). If chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(9) \$627,000 of the motor vehicle account—federal appropriation is provided solely for remaining work on the "Forward Drive" road usage charge research project overseen by the transportation commission using the remaining amounts of the federal grant award. The remaining work of this project includes:

(a) Analysis of road usage charge simulation and participant surveys;

(b) Follow up on road usage charge experiences related to payment installments, mileage exemptions, and vehicle-based mileage reporting;

(c) Completion of technology research; and

(d) Development of the final "Forward Drive" research program report.

(10) (a) \$11,922,000 of the move ahead WA flexible account—federal appropriation is provided solely for an Interstate 5 planning and environmental linkage study and a statewide Interstate 5 master plan, building upon existing work under way in the corridor. It is the intent of the

legislature to provide a total of \$40,000,000 for this work by 2029.

(b) The work under (a) of this subsection must include, but is not limited to, the following:

(i) Seismic resiliency planning to refine the level of effort and develop informed cost estimates for the seismic vulnerability analysis;

(ii) HOV lane system-wide performance planning and initial steps to launch a pilot project that progresses innovative and emerging technologies;

(iii) Interstate 5 corridor planning work, including development of a framework, coordination of corridor needs, development of core evaluation criteria and a prioritization process, and identification of early action priority projects that address safety or resiliency, or both, along the corridor; and

(iv) A report to the transportation committees of the legislature by December 1, 2024, with recommendations for future phases and a detailed funding request for work planned through 2029.

(c) Of the amounts provided in this section, \$300,000 is provided solely for the department to conduct a Seattle Interstate 5 ramp reconfiguration and lid feasibility study. The study must be conducted in coordination and partnership with the city of Seattle's department of transportation, informed by the input of Interstate 5 lid stakeholders, and coordinated with work under (a) and (b) of this subsection. The department must provide a study report, including recommendations, to the city of Seattle's department of transportation and the transportation committees of the legislature by December 1, 2024. The study must include an analysis of:

(i) Options and opportunities to reconfigure, relocate, or remove Interstate 5 ramps within and between Chinatown-International District and the University District for the purpose of improving through-traffic operations, enhancing multimodal transportation safety, and enabling more efficient air rights development;

(ii) Potential mitigation needs and cost estimates of ramp changes and demolitions;

(iii) Benefits of ramp changes and demolitions to pedestrian and bicycle travel, transit operations, and future lid design;

(iv) Ramps for the mainline collector-distributor lanes and express lanes including, at a minimum, ramps connecting to and from James Street, Cherry Street, 6th Avenue, Madison Street, Seneca Street, Spring Street, University Street, Union Street, Olive Way, Yale Avenue, NE 45th Street, and NE 50th Street;

(v) Removal of the existing ramps at Seneca Street, Spring Street, and University Street; and

(vi) Removal and consolidation of the existing NE 45th Street and NE 50th Street ramps.

(d) The department shall work with the emergency management division of the military department to identify strategic transportation corridors, opportunities to improve resilience and reinforce the

corridors against natural disasters, and opportunities to secure federal funding for investments in the resilience of the transportation network. The department shall provide a report to the transportation committees of the legislature by December 1, 2023, on:

(i) Strategic transportation corridors and opportunities to improve their resilience;

(ii) Federal funding opportunities the state should pursue; and

(iii) Recommendations for actions to maximize federal funding for the state of Washington.

(11) The department shall continue to coordinate planning work focused on the transportation system in western Washington across modes with the goal of maximizing system performance toward the policy goals in RCW 47.04.280 in the most cost-effective manner. This coordination must include, but is not limited to: The Interstate 5 highway corridor, existing rail infrastructure and future high-speed rail alignment, and commercial aviation capacity. The department must report to the transportation committees of the legislature through existing reporting mechanisms on the status of these planning efforts including, but not limited to, a long-term strategy for addressing resilience of the transportation system in western Washington through consideration of changing demand, modal integration, and preservation needs. The coordinated work must include an analysis of different alternatives to promote system resilience, including performance and cost of each scenario.

(12) \$200,000 of the motor vehicle account—state appropriation is provided solely for planning and intersection improvements along state route number 904 and improvements to the local network that would feed intersections with state route number 904. This work must include, but is not limited to, the Medical Lake/Four Lakes Road/West 3rd Ave intersection and feeding local network. The department must collaborate with Spokane county and the city of Cheney on this work and other improvement ideas along the corridor.

(13) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for a comprehensive analysis of the state and local transportation network in the US 12/A Street/Tank Farm Road/Sacajawea Road/Lewis Street Interchange vicinity to identify long-term, practical, and multimodal solutions that maximize the use of the existing transportation system and reduce the risk of crashes in the corridor.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Aeronautics Account—State Appropriation. \$1,000
Transportation Partnership Account—State Appropriation. \$29,000
Motor Vehicle Account—State Appropriation. \$93,059,000
Puget Sound Ferry Operations Account—State Appropriation. \$244,000

State Route Number 520 Corridor Account—State
Appropriation. \$69,000
Connecting Washington Account—State
Appropriation. \$233,000
Multimodal Transportation Account—State
Appropriation. \$4,529,000
Tacoma Narrows Toll Bridge Account—State
Appropriation. \$43,000
Alaskan Way Viaduct Replacement Project Account—
State Appropriation. \$38,000
Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation. \$40,000
TOTAL APPROPRIATION..... \$98,285,000

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

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds \$5,000,000, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) On August 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) On August 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

Carbon Emissions Reduction Account—State
Appropriation. \$7,000,000

Climate Transit Programs Account—State
 Appropriation. \$417,954,000
 State Vehicle Parking Account—State
 Appropriation. \$784,000
 Regional Mobility Grant Program Account—
 State
 Appropriation. \$115,060,000
 Rural Mobility Grant Program Account—State
 Appropriation. \$32,774,000
 Multimodal Transportation Account—State
 Appropriation. \$126,064,000
 Multimodal Transportation Account—Federal
 Appropriation. \$4,374,000
 Multimodal Transportation Account—Private/
 Local
 Appropriation. \$100,000
TOTAL APPROPRIATION. \$704,110,000

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

(1) \$64,354,000 of the multimodal transportation account—state appropriation and \$78,100,000 of the climate transit programs account—state appropriation are provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$14,801,420 of the multimodal transportation account—state appropriation and \$17,963,000 of the climate transit programs account—state appropriation are provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$49,552,580 of the multimodal transportation account—state appropriation and \$60,137,000 of the climate transit programs account—state appropriation are provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2021 as reported in the "2021 Summary of Public Transportation" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions.

(2) \$32,774,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3) \$11,382,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may cover

capital costs only, and costs for operating vanpools at public transit agencies are not eligible for funding under this grant program. Awards from the grant program must not be used to supplant transit funds currently funding ride share programs, or to hire additional employees.

(4) \$37,382,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Program - Public Transportation Program (V).

(5) (a) \$77,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2023, and December 15, 2024, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than 25 percent of the amount appropriated in this subsection unless all other funding is awarded. Additionally, when allocating funding for the 2023-2025 fiscal biennium, no more than 30 percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2023-2025 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer

transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(c) \$1,500,000 of the amount appropriated in this subsection is provided solely for a contingency fund to assist current regional mobility grantees with cost escalations and overages. The department shall create a system for grantees to request funds, and set a cap of contingency funds per grantee to ensure an equitable distribution among requesters.

(6) \$6,195,000 of the multimodal transportation account—state appropriation, \$3,300,000 of the climate transit programs account—state appropriation, and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Of this amount, \$495,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(7) Except as provided otherwise in this subsection, \$11,914,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023. It is the intent of the legislature that entities identified to receive funding in the LEAP transportation document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP transportation document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(8) The department shall not require more than a 10 percent match from nonprofit transportation providers for state grants.

(9) \$16,407,000 of the multimodal transportation account—state appropriation and \$39,400,000 of the climate transit programs account—state appropriation are provided solely for the green transportation capital grant program as outlined in RCW 47.66.120. Of the amount of climate transit program account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(10) \$2,565,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 (transit-oriented development). If chapter . . . (Engrossed Substitute Senate Bill No. 5466), Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(11) (a) \$10,000,000 of the climate transit programs account—state appropriation is provided solely for the department to establish a tribal transit competitive grant program to be administered as part of the department's consolidated grant program. The department shall report to the transportation committees of the legislature and the office of financial management with a list of projects recommended for funding by September 1, 2023, along with recommendations on how to remove barriers for tribes to access grant funds, and recommendations for how the department can provide technical assistance.

(b) Within the amount provided in this subsection, \$529,000 is provided solely for the Sauk-Suiattle Commuter project (L1000318).

(c) Up to one percent of amounts appropriated in this subsection may be used for program administration and staffing.

(12) \$188,900,000 of the climate transit programs account—state appropriation is provided solely for transit support grants for public transit agencies that have adopted a zero-fare policy for youth 18 years of age and under by October 1, 2022.

(13) \$40,000,000 of the climate transit programs account—state appropriation is provided solely for the bus and bus facility grant program for replacement, rehabilitation, and purchase of transit rolling stock, or construction, modification, or rehabilitation of transit facilities.

(14) \$2,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall prioritize grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(15) (a) For projects funded as part of the move ahead WA transportation package as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Move Ahead WA - Transit Projects, and if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used within the 2023-2025 fiscal biennium to advance one or more of the following projects listed as part of the list, prioritizing projects first by tier then by project readiness.

(b) In instances when projects listed in the LEAP transportation document referenced in (a) of this subsection are no longer viable or have been completed, the department may approve alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations on certain funds provided.

(c) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects

for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(16) \$580,000 of the multimodal transportation account—state appropriation is provided solely for the department to provide a statewide vanpool benefit for all state employees. For department employees working in remote job sites, such as mountain passes, the department must ensure employees are able to access job sites via a subsidized vanpool or provide a modal alternative for the "last mile" to ensure employees can access the job site without additional charge.

(17) (a) \$400,000 of the multimodal transportation account—state appropriation is provided solely for the department, in consultation with the joint transportation committee, to continue a study of statewide frequent transit standard goals. The study must make recommendations on goals for frequent transit access across the state, taking into account:

(i) State climate and vehicle miles traveled goals;

(ii) Findings from recently completed joint transportation committee studies concerning nondrivers; and

(iii) Regional contexts and populations forecasts.

(b) As part of the study process, the department shall convene stakeholder groups comprised of, but not limited to, transit users, nondrivers, transit agencies, and nonprofit transit providers to inform development of statewide frequent transit goals.

(c) The department shall submit findings and recommendations to the transportation committees of the legislature and the office of financial management by September 1, 2024.

(18) (a) \$700,000 of the multimodal transportation account—state appropriation is provided solely for the department to develop an action plan for the establishment of cycle highways in locations that connect population centers and support mode shift.

(b) The action plan must complement and incorporate existing resources, including the state trails database maintained by the recreation and conservation office, local and regional plans, and the state active transportation plan.

(c) The action plan must also include, but is not limited to:

(i) Recommended design; geometric and operational criteria and typologies appropriate to urban, suburban, and rural settings; settings that include shared use; and incremental approaches to achieve desired facility types;

(ii) A model or methodology to project potential demand and carrying capacity based on facility quality, level of traffic stress, location, directness, land use, and other key attributes;

(iii) Examination of the feasibility of developing high-capacity infrastructure for bicycle and micromobility device use within a variety of contexts and recommendations for pilot projects;

(iv) Identification of key gaps in regional networks, including planned and aspirational routes and locations within

three miles of high-capacity transit or existing shared-use paths and trails suitable for transportation;

(v) Identification of legal, regulatory, financial, collaboration, and practical barriers to development and community acceptance and support of such facilities; and

(vi) Recommended strategies to consider and address issues to avoid unintended consequences such as displacement, and to ensure equity in long-term development of such facilities.

(d) The department must provide a report with its findings to the transportation committees of the legislature by June 30, 2025.

(19) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the department to update the 2019 feasibility study to add a fifth travel Washington intercity bus line in the Yakima Valley. The department must provide a summary report of the updated feasibility and cost estimates to the transportation committees of the legislature by December 1, 2024.

(20) (a) (i) \$5,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish a program for providing rebates to qualifying persons who purchase e-bikes and qualifying equipment and services from a qualifying retailer. Of this amount, \$3,000,000 is for rebate amounts as described under (a) (iii) (A) of this subsection, and \$2,000,000 is for rebate amounts as described under (a) (iii) (B) of this subsection.

(ii) To qualify for and use the rebate under this subsection, a person must be a resident of Washington state and purchase an e-bike and qualifying equipment and services, if any, from a qualifying retailer in this state. Qualifying equipment and services must be purchased as part of the same transaction as the e-bike.

(iii) (A) For persons who are at least 16 years of age and reside in households with incomes at or below 80 percent of the county area median income, the amount of the rebate is up to \$1,200 on the sale of an e-bike and any qualifying equipment and services.

(B) For all other persons who are at least 16 years of age, the amount of the rebate is up to \$300 on the sale of an e-bike and any qualifying equipment and services.

(C) No more than one rebate may be awarded per household.

(iv) (A) The department must establish application procedures for e-bike retailers to participate in the rebate program, and application and award procedures for applicants to participate in the program. If an applicant qualifies for a rebate amount and there is sufficient funds to award the applicant with the appropriate rebate amount, the department must provide the qualifying individual the rebate amount in a format that can be redeemed at the time of purchase at a qualifying retailer.

(B) An applicant must provide contact information, including a physical address, email address, and phone number, and

demographic information, including the applicant's age, gender, race, and ethnicity, to the department on a form provided by the department at the time of applying for the rebate. The department may share or provide access to such information with the University of Washington to provide the University of Washington an opportunity to ask program applicants and recipients to fill out a survey collecting information only to the extent to inform its report described under (d) of this subsection.

(v) A qualifying retailer must register with the department before participating in the rebate program. A qualifying retailer must:

(A) Verify the identity of the qualifying individual at the time of purchase; and

(B) Calculate and apply the rebate at the time of purchase.

(vi) The department must reimburse a qualifying retailer that accepts a rebate from a qualifying individual no later than 30 days after the rebate is redeemed.

(vii) For purposes of this subsection (20)(a):

(A) "E-bike" means an electric assisted bicycle as defined in RCW 46.04.169, but does not include mountain bikes.

(B) "Qualifying equipment and services" means a bicycle helmet, safety vest, bicycle light, or bicycle lock, and any maintenance or other services agreed upon by the qualifying retailer and qualifying individual at the time of purchase.

(C) "Qualifying retailer" means a retail business establishment with one or more physical retail locations in this state that provides on-site e-bike sales, service, and repair and has registered with the department to participate in the rebate program established under this subsection.

(b) For fiscal year 2025, \$2,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish an e-bike lending library and ownership grant program. The department may accept grant applications from other state entities, local governments, and tribes that administer or plan to administer an e-bike lending library or ownership program for their employees for commute trip reduction purposes. The department may also accept grant applications from nonprofit organizations or tribal governments that serve persons who are low-income or reside in overburdened communities and that administer or plan to administer an e-bike lending library or ownership program for qualifying persons. Grant recipients must report program information and participation data to the University of Washington to inform its report described under (d) of this subsection.

(c) It is the intent of the legislature that funding provided in (a) and (b) of this subsection continue to be appropriated in the 2025-2027 and 2027-2029 fiscal biennia.

(d) Of the amounts provided in this subsection (20), \$90,000 is provided solely for the department to contract with the University of Washington's sustainable transportation lab to publish a general policy brief that provides innovative e-bike

rebate and lending library or ownership grant program models and recommendations, a report on survey results based on data and demographic information collected under the e-bike rebate program established in (a) of this subsection, and a report on program information and data collected under the e-bike lending library and ownership grant program established in (b) of this subsection. An initial brief and report must be submitted to the transportation committees of the legislature by July 1, 2024, with the final policy brief and report due to the transportation committees of the legislature by July 1, 2025.

(e) The department may not collect more than five percent of appropriated amounts to administer the programs under (a) and (b) of this subsection.

(21) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

(22) It is the intent of the legislature that the Swift Bus Rapid Transit - Gold Line (Community Transit) project (L4000209) receives funding in the amount of \$3,333,000 in the 2025-2027, 2027-2029, and 2029-2031 fiscal biennia, and that the list referenced in subsection (15) of this section be changed accordingly.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State	
Appropriation.	\$581,747,000
Puget Sound Ferry Operations Account—Federal	
Appropriation.	\$166,643,000
Puget Sound Ferry Operations Account—	
Private/Local	
Appropriation.	\$121,000
TOTAL APPROPRIATION.....	\$748,511,000

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2023-2025 supplemental and 2025-2027 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) \$90,014,000 of the Puget Sound ferry operations account—federal appropriation and \$50,067,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2023-2025 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment

of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(3) \$500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(4) The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(5) \$175,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to continue a study of passenger demographics. The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(6) The department shall continue to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan ferry routes. The study is due to the transportation committees of the legislature by December 1, 2023.

(7) \$19,850,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to:

(a) Provide scholarships, coursework fees, and stipends for candidates to become licensed deck officers (mates);

(b) Improve the process for unlicensed candidates who have achieved able-bodied sailor (AB) status to earn their mate's license;

(c) Annually hire, orient, train, and develop entry level engine room staff at the wiper classification with the intention of successfully promoting to boiler classification;

(d) Add a second shift at Eagle Harbor maintenance facility; and

(e) Expand the existing Washington state ferries Eagle Harbor apprenticeship program from two to eight apprentices.

(8) (a) During negotiations of the 2025-2027 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must incorporate, to the extent practicable, the findings and recommendations from the December 2022 joint transportation committee

study on Washington state ferries' workforce, and must also include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity, and the attorney general's office.

(b) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

(9) \$1,500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the restoration of service to Sidney, British Columbia.

(10) \$1,504,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 5550 or House Bill No. 1846), Laws of 2023 (state ferry workforce development issues). If neither chapter . . . (Senate Bill No. 5550), Laws of 2023 or chapter . . . (House Bill No. 1846), Laws of 2023 is enacted by June 30, 2023, the amount provided in this subsection lapses.

(11) \$1,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for support of the Kitsap transit passenger ferry to supplement service on the Seattle-Bremerton route.

(12) \$100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to assess temporary service restoration options for the Sidney, British Columbia route until Washington state ferries can resume its service. Washington state ferries must provide service options and recommendations to the office of financial management and the transportation committees of the legislature by January 1, 2024.

(13) \$2,100,000 of the Puget Sound ferry operations account—state appropriation is provided solely for security services at Colman Dock.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y —OPERATING

Carbon Emissions Reduction Account—State	
Appropriation.	\$2,250,000
Motor Vehicle Fund—State Appropriation.	\$5,000,000
Multimodal Transportation Account—State	
Appropriation.	\$82,591,000
Multimodal Transportation Account—Private/	
Local	
Appropriation.	\$46,000
TOTAL APPROPRIATION.	\$89,887,000

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

(1) The department shall continue to pursue restoring Amtrak Cascades service to pre-COVID service levels, and to the service

levels committed to through the department's obligation of funding from the federal American recovery and reinvestment act. A status report must be provided to the transportation committees of the legislature and the office of financial management by September 1, 2023.

(2) (a) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for the department to conduct an analysis of highway, road, and freight rail transportation needs and options to accommodate the movement of freight and goods that currently move by barge through the lower Snake river dams. The analysis must generate volume estimates and evaluate scenarios for changes in infrastructure and operations that would be necessary to address those additional volumes. The analysis must also include quantitative analysis based on available data as well as qualitative input gathered from tribal governments, local governments, freight interests, farmers and businesses who ship on barges above Ice Harbor dam, and other key stakeholders. The analysis must also include a robust public engagement process to solicit feedback from interested stakeholders including, but not limited to: Residents and officials in affected cities and counties; stakeholders involved in railroad, agriculture, fishing, trucking, shipping, and other related industries; appropriate Native American tribes; representatives of advocacy and community organizations; and transportation, public works, and economic development professionals in the affected areas. The analysis must include the following:

- (i) Existing volumes and traffic patterns;
- (ii) Potential changes in volumes and traffic patterns immediately following the loss of freight movement by barge and over the following 20 years;
- (iii) Identification of potential infrastructure and operational improvements to existing highways, roads, and rail, including additional access to facilities, needed to accommodate higher freight volumes;
- (iv) Identification of rail line development options;
- (v) Evaluation of dam removal impacts on existing bridges that cross the Snake river;
- (vi) Cost estimates for development and implementation of identified needs and options including planning, design, and construction; and
- (vii) An accounting of greenhouse gas emissions resulting from recommended development of highway, road, and freight rail transportation freight options, and recommended mitigation strategies to comport with statewide greenhouse gas emission reductions as outlined in RCW 70A.45.020.

(b) The department shall provide a final report to the governor and the transportation committees of the legislature by December 31, 2024.

(3) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024

supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS —PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation.	
\$12,473,000	
Motor Vehicle Account—Federal Appropriation	
.....	\$2,567,000
Multituse Roadway Safety Account—State	
Appropriation.....	\$450,000
Multimodal Transportation Account—State	
Appropriation.....	\$500,000
TOTAL APPROPRIATION.....	\$15,990,000

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

(1) \$500,000 of the motor vehicle account—state appropriation is provided solely for development, administration, program management, and evaluation of the federal fund exchange pilot program.

(2) \$1,063,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) Contract with the department of fish and wildlife to identify, inventory, and prioritize county-owned fish passage barriers;

(b) Continue streamlining and updating the county road administration board's data dashboard, to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties;

(c) Commission a study to develop guidance for county public works departments conducting environmental justice assessments in their communities and recommend best practices for community engagement plans to address environmental health disparities for identified overburdened communities;

(d) Contract for a study to identify best practices within public works for the recruitment and retention of employees, including: Recommendations for improving outreach and recruitment to underrepresented populations, methods to partner with local community colleges and universities, methods to expand apprenticeship and internship programs, strategies to increase training and development opportunities, and recommendations for career advancement programs and better work-life balance outcomes; and

(e) Update the 2020 county transportation revenue study.

(3) The department shall examine the feasibility of creating a new departmental program for active transportation. By December 1, 2023, the department shall report findings and recommendations to the transportation committees of the legislature and the office of financial management, including, but not limited to:

(a) Estimated cost, new staffing needs, and time frame to establish the program;

(b) A proposed budget structure, and whether both operating and capital components should be established; and

(c) Identification of staff, capital projects, and other resources that would need to transfer from other existing programs.

(4) The appropriations in this section provide sufficient funding for the department assuming vacancy savings that may change over time. Funding for staffing will be monitored and adjusted in the 2024 supplemental transportation appropriations act to restore funding as authorized staffing levels are achieved.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION

(1) The appropriations to the department of transportation must be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of transportation must initially be allotted as required under this act. Subsequent allotment modifications may not include transfers of appropriation authority between sections of this act except as expressly provided in this act. Allotment modifications may not permit moneys that are provided solely for a specified purpose to be used for another purpose. However, between October 1, 2023, and March 1, 2024, subject to subsection (2) (a) of this section, the department of transportation may transfer state appropriation authority for the 2023-2025 fiscal biennium among operating programs after approval by the director of the office of financial management.

(2)(a) To ensure that staffing vacancy savings assumed in this act do not impair the ability of each individual program to fill authorized staffing positions, maintain operational capacity, and provide anticipated service delivery levels, the department of transportation may, after approval by the director of the office of financial management: (i) Transfer state motor vehicle fund and multimodal transportation account appropriation authority among operating programs, up to the amount of the assumed vacancy savings in each program receiving the transfer; and (ii) make associated staffing-related allotment modifications associated with expenditures for fiscal year 2024. However, transfers authorized in this section may not include the toll operations and maintenance program (program B) or the marine operations program (program X) appropriation authority or allotments, and transfers may only be made within each specific fund source. The department may not transfer appropriation authority, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds.

(b) The director of the office of financial management shall notify in writing the transportation committees of the legislature seven days before approving any allotment modifications or transfers under this section. The written notification must

include a narrative explanation and justification of the changes, along with expenditures and allotments by programs and appropriation, both before and after any allotment modifications or transfers.

(End of part)

TRANSPORTATION AGENCIES—CAPITAL

NEW SECTION. Sec. 301. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD	
Freight Mobility Investment Account—State	
Appropriation.	\$20,808,000
Freight Mobility Multimodal Account—State	
Appropriation.	\$23,453,000
TOTAL APPROPRIATION.	\$44,261,000

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

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Freight Mobility Strategic Investment Board (FMSIB).

(2) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with the department of transportation as it updates its federally compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state.

(3)(a) For the 2023-2025 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3) (a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These transfers must be reported to the director of the office of financial management and

the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a) (iii) of this subsection, transfers may only be made in fiscal year 2024.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(4) \$12,000,000 of the freight mobility investment account—state appropriation is provided solely for further refinement, and actual implementation, of the 2021 joint transportation committee truck parking action plan in the 2023-2025 fiscal biennium. A report identifying a proposed phased implementation, including specific action steps for the 2023-2025 fiscal biennium, must be transmitted to the office of financial management and the transportation committees of the legislature by June 30, 2024. The refined truck parking action plan must include, but is not limited to:

(a) Establishment of a truck parking implementation work group;

(b) Comprehensive identification of Washington state department of transportation and private land parcels for potential development as potential truck parking sites;

(c) A list of options to support increased truck parking including: (i) Incentives for expanding truck parking locations, including an emphasis on alternative fuel infrastructure; and (ii) creating state supported shuttle service to provide access to food, restrooms, and shower facilities at some locations;

(d) Conversion of vacant land adjacent to an existing rest area on state route number 906 to allow additional truck parking near Snoqualmie Pass. The refinement of the truck parking action plan must not prevent progress on this specific action step during the 2023-2025 fiscal biennium;

(e) Feasibility analysis of sites adjacent to Interstate 90 in the vicinity of the city of North Bend as a truck stop facility with the potential for 400 to 600 truck parking spaces;

(f) Evaluation and commencement of improvements reconfiguring public rest areas to increase truck parking availability. The refinement of the truck parking action plan and the development of the rest area strategic plan must not prevent progress on

this specific action step during the 2023-2025 fiscal biennium;

(g) Additional outreach to state, local, and regional partners, and integration of truck parking considerations into state and local growth management and land use decision-making processes;

(h) Specific review of potential restroom facility improvements at weigh stations for truck driver use; and

(i) A feasibility analysis of expanding the truck parking availability system beyond the current locations and possibly integrating parking availability in private lots that voluntarily allow truck parking.

NEW SECTION. Sec. 302. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation \$7,950,000

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

(1) \$7,950,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) \$500,000 is for emergency repairs;

(b) \$2,000,000 is for roof replacements;

(c) \$350,000 is for fuel tank decommissioning;

(d) \$500,000 is for generator and electrical replacement;

(e) \$500,000 is for the exterior envelope of the Yakima office;

(f) \$2,000,000 is for energy efficiency projects;

(g) \$1,000,000 is for pavement surface improvements;

(h) \$300,000 is for fire alarm panel replacement;

(i) \$200,000 is for training academy expansion. As part of the academy expansion master plan, the Washington state patrol must review and provide an analysis on the potential to colocate some training programs with other state agencies, including the department of corrections, the department of fish and wildlife, the liquor and cannabis board, and the criminal justice training commission. The Washington state patrol must consult with the other state agencies to determine where cost efficiencies and mutually beneficial shared arrangements for training delivery could occur;

(j) \$500,000 reappropriation is for the Tacoma district office generator replacement project; and

(k) \$100,000 reappropriation is for the energy improvement project at the SeaTac northbound facility.

(2) The Washington state patrol may transfer funds between projects specified in subsection (1) of this section to address cash flow requirements.

(3) If a project specified in subsection (1) of this section is completed for less than the amount provided, the remainder may be transferred to another project specified in subsection (1) of this section not to exceed the total appropriation provided in subsection (1) of this section after notifying the office of financial management and the transportation committees of the legislature 20 days before any transfer.

NEW SECTION. Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Move Ahead WA Account—State Appropriation.	
\$9,333,000	
Rural Arterial Trust Account—State Appropriation.	\$58,000,000
Motor Vehicle Account—State Appropriation.	
\$2,456,000	
County Arterial Preservation Account—State Appropriation.	\$35,500,000
TOTAL APPROPRIATION.....	\$105,289,000

NEW SECTION. Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State Appropriation.	\$3,975,000
Transportation Improvement Account—State Appropriation.	\$240,000,000
Complete Streets Grant Program Account—State Appropriation.	\$14,670,000
Move Ahead WA Account—State Appropriation.	
\$9,333,000	
Climate Active Transportation Account—State Appropriation.	\$19,067,000
TOTAL APPROPRIATION.....	\$287,045,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Motor Vehicle Account—State Appropriation.	
\$14,316,000	
Move Ahead WA Account—State Appropriation.	
\$11,248,000	
TOTAL APPROPRIATION.....	\$25,564,000

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

(1) \$4,025,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline. All payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract for this facility must be deposited into the motor vehicle account.

(2)(a) \$11,248,000 of the move ahead WA account—state appropriation is provided solely for the department to improve its ability to keep facility assets in a state of good repair. In using the funds appropriated in this subsection, the department, with periodic reporting to the joint transportation committee, must develop and implement a prioritization of facility capital preservation needs and repair projects. The legislature intends these to be reasonable, forward-thinking investments that consider potential future space efficiency measures and consolidations, including those assessed as having high commercial value and potential returns to

state transportation funds associated with the sale of the property. Prioritization must be based on, but not limited to, the following criteria: (i) Employee safety and facility security; (ii) state and federal regulatory and statutory requirements and compliance issues; (iii) quality of work issues; (iv) facility condition assessment evaluations and scoring; (v) asset preservation; and (vi) amount of operational support provided by the facility to the achievement of the department's performance measures and outcomes, including facility utilization based on field operations work supported at the location. "Field operations" include maintenance, transportation operations, materials testing, and construction.

(b) By October 15, 2024, covering the first 15 months of the 2023-2025 fiscal biennium, the department must provide a report based on the prioritization of facility preservation needs and repair projects developed pursuant to (a) of this subsection to the office of financial management and the transportation committees of the legislature. The report must include: (i) A by facility ranking based on the criteria implemented; (ii) detailed information on the actions taken in the previous period to address the identified issues and deficiencies; and (iii) the plan, by facility, to address issues and deficiencies for the remainder of the 2023-2025 fiscal biennium and the 2025-2027 fiscal biennium.

(c) The by facility ranking developed under (b) of this subsection must be the basis of an agency budget submittal for the 2025-2027 fiscal biennium.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Alaskan Way Viaduct Replacement Project Account—	
State Appropriation.	\$23,794,000
Climate Active Transportation Account—State Appropriation.	\$2,000,000
Move Ahead WA Account—Private/Local Appropriation.	\$137,500,000
Transportation 2003 Account (Nickel Account)—State	
Appropriation.	\$317,000
Transportation Partnership Account—State Appropriation.	\$32,643,000
Motor Vehicle Account—State Appropriation.	
\$57,756,000	
Motor Vehicle Account—Federal Appropriation	\$539,051,000
Coronavirus State Fiscal Recovery Fund—Federal	
Appropriation.	\$300,000,000
Motor Vehicle Account—Private/Local Appropriation.	\$52,530,000
Connecting Washington Account—State Appropriation.	\$2,011,113,000
Special Category C Account—State Appropriation.	\$133,749,000
Multimodal Transportation Account—State Appropriation.	\$5,323,000
State Route Number 520 Corridor Account—State	
Appropriation.	\$400,000

Interstate 405 and State Route Number 167 Express
 Toll Lanes Account—State Appropriation. \$304,480,000
 Move Ahead WA Account—State Appropriation. \$585,080,000
 Move Ahead WA Account—Federal Appropriation \$340,300,000
TOTAL APPROPRIATION..... \$4,526,036,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2023-1 as developed March 29, 2023, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2023-2 as developed March 29, 2023, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to \$1,198,980,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to \$118,773,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to \$32,643,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(8) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(9) The legislature intends that any savings realized on the following projects will not be attributable to the application of practical design, retired risk, or unused contingency funding for the purposes of RCW 47.01.480:

(a) I-5/Marvin Road/SR 510 Interchange (L1100110); and

(b) I-82/EB WB On and Off Ramps (L2000123).

(10) \$300,000,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$390,771,000 of the motor vehicle account—federal appropriation, \$349,341,000 of the move ahead WA account—state appropriation, and \$1,293,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (OBI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030. The fish passage barrier removal program, in consultation with the office of innovative partnerships, shall explore opportunities to employ innovative delivery methods to ensure compliance with the court injunction including, but not limited to, public-private partnerships and batched contracts. It is the intent of the legislature that appropriations for this purpose may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise full compliance with the court injunction by 2030.

(11)(a) \$6,000,000 of the move ahead WA account—state appropriation is provided solely for the Stormwater Retrofits and Improvements project (L4000040). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$500,000,000 for this project.

(b) The appropriation in this subsection is provided solely for the Urban Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project.

(c) The funding provided for stormwater retrofits and improvements must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each fiscal biennium.

(12) \$35,465,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of \$78,910,000 for this project, including an increase of \$12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(a) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(b) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(c) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

(13) \$6,000,000 of the move ahead WA account—state appropriation and \$10,000,000 of the move ahead WA account—federal appropriation are provided solely for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish tribe must begin at the earliest stage of planning, including, without limitation, all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses 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 under state law, or by a 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 the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe must continue throughout the duration of any funding program and proposed project approval.

(14) (a) \$84,500,000 of the move ahead WA account—federal appropriation, \$137,500,000 of the move ahead WA account—private/local appropriation, and \$53,000,000 of the move ahead WA account—state appropriation are provided solely for the I-5 Columbia river bridge project (L4000054). The legislature finds that the replacement of the I-5

Columbia river bridge is a project of national significance and is critical for the movement of freight. One span is now 105 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods, and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia river bridge with an investment of \$1,000,000,000 over the 16-year move ahead WA investment program.

(b) The legislature recognizes the importance of the I-5/Mill Plain Boulevard project (L2000099) and intends to provide funding for reconstruction of the existing interchange in conjunction with construction of the Interstate 5 bridge over the Columbia river.

(15) Consistent with section 607 of this act, the department must adjust the scope of the I-5 JBLM Corridor Improvements project (M00100R) through the application of value engineering, practical design, or other planning techniques to match the funding provided for this project in the LEAP transportation document referenced in subsection (1) of this section.

(16) \$19,000,000 of the connecting Washington account—state appropriation is provided solely for the I-5/116th Street NE, 88th Street NE, and SR 528/Marine Drive Interchange project (T20700SC). It is the intent of the legislature that this amount be added to the amount provided for this project on the LEAP lists referenced in this section.

(17) The legislature recognizes the importance of the US-12/Walla Walla Corridor Improvements project (T20900R) and intends to advance funding to provide matching funds if competitive federal funding is awarded for the final remaining four-lane section between Wallula and Nine Mile Hill. The department, in consultation with local governments in the vicinity, must pursue any federal funding available.

(18) \$2,642,000 of the move ahead WA account—state appropriation is provided solely for the US 101/Simdars Bypass project (L4000013).

(19) (a) \$394,963,000 of the connecting Washington account—state appropriation, \$400,000 of the state route number 520 corridor account—state appropriation, and \$4,496,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) Of the amounts provided in this subsection, \$400,000 of the state route number 520 corridor account—state appropriation is provided solely for noise mitigation activities. It is the intent of

the legislature to provide an additional \$600,000 for noise mitigation activities.

(20) \$25,000,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 90 cents in state funds per \$1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state, and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. \$22,500,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Move Ahead WA Account—State Appropriation.	
\$13,291,000	
Recreational Vehicle Account—State Appropriation.	\$793,000
Transportation 2003 Account (Nickel Account)—State Appropriation.	\$18,759,000
Motor Vehicle Account—State Appropriation.	
\$155,352,000	
Motor Vehicle Account—Federal Appropriation.	\$441,232,000
Motor Vehicle Account—Private/Local Appropriation.	\$12,000,000
Connecting Washington Account—State Appropriation.	\$37,078,000
State Route Number 520 Corridor Account—State Appropriation.	\$5,481,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	\$10,892,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation.	\$12,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	
\$27,026,000	
TOTAL APPROPRIATION.	\$721,917,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington

account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2023-1 as developed March 29, 2023, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2023-2 as developed March 29, 2023, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) \$22,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted.

(5) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is

determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

(6) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(7) \$25,000,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 90 cents in state funds per \$1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. \$22,500,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status.

(8) \$7,615,000 of the connecting Washington account—state appropriation and \$8,227,000 of the move ahead WA account—state appropriation are provided solely for the SR 155/Omak Bridge Rehabilitation project (L2000203).

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—CAPITAL

Motor Vehicle Account—State Appropriation.	\$9,738,000
Motor Vehicle Account—Federal Appropriation	
.....	\$5,100,000
Motor Vehicle Account—Private/Local	
Appropriation.	\$500,000
TOTAL APPROPRIATION.....	\$15,338,000

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

(1) \$4,918,000 of the motor vehicle account—state appropriation is provided solely for Programmatic Investment for Traffic Operations Capital projects (000005Q). By December 15th of each odd-numbered year, the department shall provide

a report to the legislature listing all traffic operations capital project investments completed in the prior fiscal biennium. The legislature finds that the section of public roadway owned by the department that is located south of state route number 532 and west of Interstate 5 in the vicinity of the intersection of state route number 532 and 19th Avenue NW is no longer necessary for the state highway system. Therefore, pursuant to RCW 36.75.090, the department shall certify that the roadway is no longer needed by the state and convey the roadway to the county for continued use as a public highway for motor vehicle use. In consideration of the value of maintenance services provided by the county on the roadway during the time of department ownership, the department shall also convey to the county any access rights owned by the department limiting access to state route number 532 from 19th Avenue NW.

(2) \$3,080,000 of the motor vehicle account—state appropriation is provided solely to construct pedestrian signals at nine locations on state route number 7 from 124th Street South to 189th Street South (0000YYY).

(3) \$1,463,000 of the motor vehicle account—state appropriation is provided solely for the replacement of 22 existing traffic cameras and installation of 10 new traffic cameras, including five pole installation sites, on the Interstate 90 corridor between mileposts 34 and 82 (L2021144). The department shall consult with news media organizations to explore options to allow such organizations access to traffic camera feeds.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Carbon Emissions Reduction Account—State	
Appropriation.	\$74,027,000
Puget Sound Capital Construction Account—	
State	
Appropriation.	\$355,772,000
Puget Sound Capital Construction Account—	
Federal	
Appropriation.	\$35,168,000
Puget Sound Capital Construction Account—	
Private/Local Appropriation. .	\$1,081,000
Transportation Partnership Account—State	
Appropriation.	\$7,442,000
Connecting Washington Account—State	
Appropriation.	\$10,809,000
Capital Vessel Replacement Account—State	
Appropriation.	\$46,818,000
TOTAL APPROPRIATION.....	\$531,117,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Program - Washington State Ferries Capital Program (W).

(2) \$5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair

costs (999910K). Funds may only be spent after approval by the office of financial management.

(3) \$46,818,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). The amounts provided in this subsection are contingent upon the enactment of chapter . . . (Senate Bill No. 5760 or House Bill No. 1846), Laws of 2023, as the legislature intends with that act to provide the state's best chance of accelerating an efficient and effective procurement of the construction of a fleet of vessels sufficient to serve the traveling public within the system's existing ferry routes.

(4) The legislature intends that funding will be provided in the 2025-2027 fiscal biennium for the Future Hybrid Electric Ferry Class Pre-Design study (L2021131) to advance procurement of a new class of vessel that will account for changes in technology, staffing, and system needs.

(5) \$8,032,000 of the Puget Sound capital construction account—state appropriation is provided solely for modernization of the ticketing and reservation system (990052C). Of this amount, \$3,032,000 must be held in unallotted status until Washington state ferries has consulted with the office of the chief information officer on the project scope and integration capabilities of the reservation system with existing Good to Go! and ORCA next generation products, and reported results to the office of financial management and the transportation committees of the legislature.

(6) \$125,000 of the Puget Sound capital construction account—state appropriation and \$125,000 of the Puget sound capital construction account—federal appropriation are provided solely for development of a terminal wait times information system (998609A). Washington state ferries must consult with the office of the chief information officer on a technology solution for automated vehicle detection, and report the project scope, along with office of the chief information officer recommendations, to the office of financial management and the transportation committees of the legislature by December 1, 2024.

(7) \$1,345,000 of the Puget Sound capital construction account—state appropriation is provided solely for Anacortes terminal improvements (902020D). Of this amount, \$1,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for further analysis, in consultation with the department's innovative partnerships division, of the Anacortes terminal replacement. The analysis should include, but is not limited to, rider projections and travel patterns, community needs, modernization of the design, opportunities for public-private partnerships in terminal construction and operation, or consideration of other financing options. An analysis summary must be submitted to the office of financial management and the transportation committees of the legislature by June 30, 2024.

(8) The transportation partnership account—state appropriation includes up to

\$6,813,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y —CAPITAL

Carbon Emissions Reduction Account—State	
Appropriation.	\$50,000,000
Essential Rail Assistance Account—State	
Appropriation.	\$676,000
Move Ahead WA Flexible Account—State	
Appropriation.	\$35,000,000
Transportation Infrastructure Account—State	
Appropriation.	\$10,369,000
Multimodal Transportation Account—State	
Appropriation.	\$53,984,000
Multimodal Transportation Account—Federal	
Appropriation.	\$18,882,000
TOTAL APPROPRIATION.....	\$168,911,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Program - Rail Program (Y).

(2) (a) \$2,030,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than 10 years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(b) \$7,970,000 of the transportation infrastructure account—state appropriation is provided solely for new FRIB program loans recommended by the department for 2024 supplemental transportation appropriations. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2023.

(c) The department may change the terms of existing loans in the essential rail assistance account for repayment of loans, including the repayment schedule and rate of interest, for a period of up to 15 years for any recipient with a total loan value in the program of over 10 percent as of June 30, 2023.

(3) \$7,566,836 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$369,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely for final reimbursement to Highline Grain, LLC for approved work

completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects.

(5) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2024, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(6) \$50,000,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for federal grant opportunities for a new ultra high-speed ground transportation corridor. These funds are to remain in unallotted status and are available only upon award of federal funds. The department must provide periodic grant application updates to the transportation committees of the legislature, as well as anticipated state match estimates for successful grants.

(7) \$33,500,000 of the move ahead WA flexible account—state appropriation is provided solely for rehabilitation of the Palouse River and Coulee City Railroad (L4000079). Up to \$433,000 of the amount in this subsection may be used for management and oversight of operation and maintenance activities.

(8) \$15,000,000 of the multimodal transportation account—federal appropriation is provided solely for the rehabilitation of the Salmon Bay drawbridge (752010A) to ensure the efficient movement of freight and passenger trains.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS —PROGRAM Z—CAPITAL

Carbon Emissions Reduction Account—State Appropriation.	\$14,000,000
Climate Active Transportation Account—State Appropriation.	\$157,818,000
Highway Infrastructure Account—State Appropriation.	\$793,000
Highway Infrastructure Account—Federal Appropriation	\$1,600,000
Move Ahead WA Account—State Appropriation. \$110,070,000	
Move Ahead WA Account—Federal Appropriation	\$10,000,000
Move Ahead WA Flexible Account—State Appropriation.	\$31,500,000
Transportation Partnership Account—State Appropriation.	\$500,000
Motor Vehicle Account—State Appropriation. \$33,463,000	
Motor Vehicle Account—Federal Appropriation	\$103,553,000
Connecting Washington Account—State Appropriation.	\$85,660,000
Multimodal Transportation Account—State Appropriation.	\$68,335,000
TOTAL APPROPRIATION.....	\$617,292,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) \$34,673,000 of the multimodal transportation account—state appropriation and \$37,563,000 of the climate active transportation account—state appropriation are provided solely for pedestrian and bicycle safety program projects (L2000188 and L1000307). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(b) \$19,137,000 of the motor vehicle account—federal appropriation, \$38,915,000 of the climate active transportation account—state appropriation, and \$12,844,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189 and L1000306). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2023, and December 1, 2024, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program.

(4) \$6,875,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) \$36,640,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100).

(6) \$22,500,000 of the motor vehicle account—state appropriation is provided solely for a federal fund exchange pilot program. The pilot program will allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 90 cents in state funds per \$1.00 in federal funds. The entirety of the appropriation in this subsection must be held in unallotted status until: Surface transportation block grant population funding has been offered to the state, the department determines that a federalized project or projects funded in section 306 or 307 of this act is eligible to spend the surface transportation block grant population funding, and state funds appropriated in section 306 or 307 for the

eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding have been placed in unallotted status. A report on the effectiveness of the exchange program and recommendations for continuing the pilot program is due to the governor and transportation committees of the legislature by December 1, 2024.

(7) (a) For projects funded as part of the move ahead WA transportation package as listed in LEAP Transportation Documents 2023-2 ALL PROJECTS as developed March 29, 2023, Move Ahead WA - Pedestrian and Bike Projects and Move Ahead WA - Road and Highway Projects, and if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used in the 2023-2025 fiscal biennium to advance one or more of the projects listed in the LEAP transportation documents referenced in this subsection (7) (a), prioritizing projects first by tier then by project readiness.

(b) In instances when projects listed in the LEAP transportation documents referenced in (a) of this subsection are no longer viable or have been completed, the department may approve alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations of certain funds provided.

(c) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(8) \$16,800,000 of the climate active transportation account—state appropriation is provided solely for the statewide school-based bicycle education grant program (L1000309). The department may partner with a statewide nonprofit to deliver programs.

(9) \$25,000,000 of the climate active transportation account—state appropriation is provided solely for the Sandy Williams connecting communities pilot program (L1000308) to deliver projects to reconnect communities that have been bifurcated by state highways. Priority must be given to historically marginalized or overburdened communities. The department may consult with the Cooper Jones active transportation safety council to identify geographic locations where there are high incidences of serious injuries and fatalities of active transportation users among vulnerable populations.

(10) \$14,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the Guemes Ferry Boat Replacement project (L4000124).

(11) \$6,500,000 of the move ahead WA flexible account—state appropriation is provided solely for development of an applied sustainable aviation evaluation center (L2021135). Snohomish county, in

partnership with Washington State University, shall plan and establish facilities to evaluate, qualify or certify, and research technologies that can minimize the impact of aviation on human health and the environment. Funds may be used for, but are not limited to, planning, construction, and land acquisition for sustainable aviation fuel (SAF) qualification testing (ASTM D4054), research on the impact of SAF on the environment and human health, and SAF storage for the purpose of advancing sustainable aviation. At a minimum, three sustainable aviation platforms must be considered:

- (a) Sustainable aviation fuel (SAF);
- (b) Hydrogen; and
- (c) Battery electric energy storage mechanisms.

(12) The legislature intends to fund the Ballard and Magnolia Bridge project (L4000123) and the Aurora Avenue North Safety Improvements project (L4000154), as described in section 911(18) and (19) of this act.

(13) \$10,000,000 of the move ahead WA flexible account—state appropriation is provided solely for railroad crossing grant awards that match federal funds for city and county projects that eliminate at-grade highway-rail crossings (L2021126).

(14) \$300,000 of the multimodal transportation account—state appropriation is provided solely for the Historic South Downtown CPDA to coordinate and develop outreach strategy for community engagement with design and vision updates for the waterfront in Seattle (L2021136). Community engagement must include, but is not limited to:

- (a) Convening a community advisory board; and
- (b) Facilitating community engagement in the design development process, prioritizing language access by hosting meetings with Cantonese and Mandarin interpretation, and including Spanish and Vietnamese interpretation on request, with all materials to be translated into Chinese and Spanish, and other languages as need is determined.

(15) \$200,000 of the multimodal transportation account—state appropriation is provided solely for the Seattle office of planning and community development to update and add to the 2020 I-5 Lid Feasibility Study with additional test cases with ramp changes and removals in downtown Seattle and alternative assumptions with regards to parking, expansion of Freeway Park, affordable housing, and commercial real estate (L2021140). The Seattle office of planning and community development shall conduct ongoing community engagement with underrepresented constituencies to support the technical work of this study and raise public awareness of opportunities of I-5 lids. Focus should be given to low-income households living and working in the I-5 lid study areas in central Seattle.

(16) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to award grants to local jurisdictions to implement network-wide traffic conflict

screening programs using video analytics in controlled intersections with a disproportionate number of traffic violations and injuries to active transportation users (L2021149). Grants must be awarded proportionally across the state and include controlled intersections in both urban and rural environments and along state highways and county roads. Grant recipients must report back to the department all traffic violation and active transportation facility data acquired during the grant period and provide the department with appropriate next steps for the state and the local jurisdiction to improve traffic safety for active transportation users in such intersections. The department must report such findings and recommendations to the transportation committees of the legislature by December 1, 2024.

(17) It is the intent of the legislature that the title of the Seattle Pier 48 community engagement and outreach strategy project (L2021136) be changed to Seattle waterfront community engagement and outreach strategy on the list referenced in subsection (1) of this section.

(18) \$200,000 of the multimodal transportation account—state appropriation is provided solely for Roy Sidewalk & Crossing Improvements. It is the intent of the legislature that this amount be moved from the Ped Safety & ADA Improvements, West Eatonville project (L2021151) to this new project, project (L2021151) be removed, and the list referenced in subsection (1) of this section be updated accordingly.

(19) It is the intent of the legislature that the title of the Infra Grant Matching Funds project (L2021127) be changed to Confluence Parkway Infra Match on the list referenced in subsection (1) of this section.

NEW SECTION. Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

As part of its annual budget submittal, the department of transportation shall provide an update to the report provided to the legislature in the prior fiscal year in a manner consistent with past practices as specified in section 312, chapter 333, Laws of 2021.

NEW SECTION. Sec. 313. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all capital projects in a manner consistent with past practices as specified in section 313, chapter 186, Laws of 2022.

NEW SECTION. Sec. 314. NOTIFICATION REQUIREMENTS FOR PAUSES AND CANCELLATIONS

(1) The department shall notify the transportation committees of the legislature when it intends to pause for a significant length of time or not proceed with operating items or capital projects included as budget provisos or on project lists. When feasible, this notification shall be provided prior to the pause or cancellation and at least seven

days in advance of any public announcement related to such a pause or cancellation.

(2) At the time of notification, the department shall provide an explanation for the reason or reasons for the pause or cancellation for each operating budget item and capital project. The explanation shall include specific reasons for each pause or cancellation, in addition to a statement of the broad rationale for the pause or cancellation.

(3) When feasible, the department shall make best efforts to keep the transportation committees of the legislature informed of an evaluation process underway for selecting operating budget items and capital projects to be paused or canceled, providing updates as its selection efforts proceed.

(4) When exigent circumstances prevent prior notice of a pause or cancellation from being provided to the transportation committees of the legislature, the department shall provide the information required under this section to the transportation committees of the legislature as soon as is practicable.

NEW SECTION. Sec. 315. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION—FUNDS MANAGEMENT

As part of the department's 2024 supplemental and 2025-2027 biennial budget requests, the department shall also report on:

(1) The federal grant programs it has applied for; and

(2) The federal competitive grant programs it could have applied for but did not and the reason or reasons it did not apply.

(End of part)

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State	
Appropriation.	\$1,049,000
Connecting Washington Account—State	
Appropriation.	\$9,261,000
Special Category C Account—State	
Appropriation.	\$922,000
Highway Bond Retirement Account—State	
Appropriation.	\$1,443,264,000
Ferry Bond Retirement Account—State	
Appropriation.	\$4,616,000
Transportation Improvement Board Bond Retirement	
Account—State Appropriation.	\$10,895,000
Nondebt-Limit Reimbursable Bond Retirement	
Account—	
State Appropriation.	\$28,606,000
Toll Facility Bond Retirement Account—State	
Appropriation.	\$76,372,000
TOTAL APPROPRIATION.	\$1,574,985,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State
 Appropriation. \$209,000
 Transportation Improvement Account—State
 Appropriation. \$20,000
 Connecting Washington Account—State
 Appropriation. \$1,853,000
 Special Category C Account—State
 Appropriation. \$183,000
TOTAL APPROPRIATION..... \$2,265,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation:
 For motor
 vehicle fuel tax statutory distributions
 to
 cities and counties. \$465,354,000
 Multimodal Transportation Account—State
 Appropriation: For distribution to cities
 and
 counties. \$26,786,000
 Motor Vehicle Account—State Appropriation:
 For
 distribution to cities and counties.
 \$23,438,000
TOTAL APPROPRIATION..... \$515,578,000

NEW SECTION. Sec. 404. FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation:
 For motor
 vehicle fuel tax refunds and statutory
 transfers. \$1,969,182,000

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation:
 For motor
 vehicle fuel tax refunds and transfers.
 \$246,480,000

NEW SECTION. Sec. 406. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) (a) Pilotage Account—State
 Appropriation: For
 transfer to the Multimodal Transportation
 Account—State. \$200,000
 (b) The amount transferred in this
 subsection represents partial repayment of
 prior biennium transfers to cover self-
 insurance liability premiums.
 (2) Transportation Partnership Account—
 State
 Appropriation: For transfer to the Motor
 Vehicle
 Account—State. \$175,000,000
 (3) Connecting Washington Account—State
 Appropriation: For transfer to the Move
 Ahead WA
 Account—State. \$200,000,000
 (4) Electric Vehicle Account—State
 appropriation:
 For transfer to the Move Ahead WA Flexible
 Account—State. \$29,200,000
 (5) Electric Vehicle Account—State
 Appropriation:

For transfer to the Multimodal
 Transportation
 Account—State. \$20,000,000
 (6) Washington State Aviation Account—
 State
 Appropriation: For transfer to the
 Aeronautics
 Account—State. \$150,000
 (7) Carbon Emissions Reduction Account—
 State
 Appropriation: For transfer to the Climate
 Active
 Transportation Account—State. . \$178,885,000
 (8) Carbon Emissions Reduction Account—
 State
 Appropriation: For transfer to the Climate
 Transit
 Programs Account—State. \$418,000,000
 (9) Carbon Emissions Reduction Account—
 State
 Appropriation: For transfer to the
 Multimodal
 Transportation Account—State. . \$127,000,000
 (10) Carbon Emissions Reduction Account—
 State
 Appropriation: For transfer to the Puget
 Sound Ferry
 Operations Account—State. \$4,200,000
 (11) Move Ahead WA Flexible Account—
 State
 Appropriation: For transfer to the Move
 Ahead WA
 Account—State. \$115,000,000
 (12) Alaskan Way Viaduct Replacement
 Project
 Account—State Appropriation: For transfer to
 the
 Motor Vehicle Account—State. . . \$25,000,000
 (13) Highway Safety Account—State
 Appropriation:
 For transfer to the State Patrol Highway
 Account—State. \$79,000,000
 (14) (a) Transportation Partnership
 Account—State
 Appropriation: For transfer to the Tacoma
 Narrows Toll
 Bridge Account—State. \$6,611,000
 (b) It is the intent of the legislature
 that this transfer is temporary, for the
 purpose of minimizing the impact of toll
 increases. An equivalent reimbursing
 transfer is to occur after the debt service
 and deferred sales tax on the Tacoma Narrows
 bridge construction costs are fully repaid
 in accordance with chapter 195, Laws of
 2018.
 (15) Motor Vehicle Account—State
 Appropriation:
 For transfer to the County Arterial
 Preservation
 Account—State. \$4,844,000
 (16) Motor Vehicle Account—State
 Appropriation: For
 transfer to the Freight Mobility Investment
 Account—State. \$8,511,000
 (17) Motor Vehicle Account—State
 Appropriation: For
 transfer to the Rural Arterial Trust Account
 —State. \$4,844,000
 (18) Motor Vehicle Account—State
 Appropriation:
 For transfer to the Transportation
 Improvement
 Account—State. \$9,688,000

(19) (a) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the Motor Vehicle Account—State. \$1,000,000
 (b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.
 (20) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State. \$560,000
 (21) (a) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State. \$335,000,000
 (b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the use of bonding in the connecting Washington account.
 (22) Multimodal Transportation Account—State Appropriation: For transfer to the Complete Streets Grant Program Account—State. . . \$14,670,000
 (23) Multimodal Transportation Account—State Appropriation: For transfer to the Connecting Washington Account—State. \$80,000,000
 (24) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State. \$8,511,000
 (25) Multimodal Transportation Account—State Appropriation: For transfer to the Move Ahead WA Flexible Account—State. \$11,790,000
 (26) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State. . . \$160,000,000
 (27) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. \$40,000,000
 (28) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State. . . \$27,679,000
 (29) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State. . . \$12,223,000
 (30) Multimodal Transportation Account—State Appropriation: For transfer to the State Patrol Highway Account—State. \$57,000,000
 (31) (a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the

Transportation Partnership Account—State. . \$47,899,000
 (b) \$22,899,000 of the amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).
 (32) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State. \$543,000
 (33) (a) General Fund Account—State Appropriation: For transfer to the State Patrol Highway Account—State. \$625,000
 (b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207 of this act.
 TOTAL APPROPRIATION. . . \$2,203,633,000

NEW SECTION. Sec. 407. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Toll Facility Bond Retirement Account—Federal Appropriation. \$194,241,000
 Toll Facility Bond Retirement Account—State Appropriation. \$25,372,000
 TOTAL APPROPRIATION. \$219,613,000

The appropriations in this section are subject to the following conditions and limitations: \$35,250,000 of the toll facility bond retirement account—federal appropriation may be used to prepay certain outstanding bonds if sufficient debt service savings can be obtained.

(End of part)

COMPENSATION

NEW SECTION. Sec. 501. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED

Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. Sec. 502. COLLECTIVE BARGAINING AGREEMENTS

(1) In accordance with chapters 41.80, 41.56, and 47.64 RCW, agreements have been reached between the governor and organizations representing state employee bargaining units for the 2023-2025 fiscal biennium and funding is provided in this act for agreements and awards with the following organizations:

- (a) Washington federation of state employees, general government;
- (b) Washington public employees association, general government;
- (c) Professional and technical engineers, local 17;
- (d) The coalition of unions;

(e) Washington state patrol troopers association;

(f) Washington state patrol lieutenants and captains association;

(g) Office and professional employees international union local 8;

(h) Ferry agents, supervisors, and project administrators association;

(i) Service employees international union local 6;

(j) Pacific northwest regional council of carpenters;

(k) Puget Sound metal trades council;

(l) Marine engineers' beneficial association unlicensed engine room employees;

(m) Marine engineers' beneficial association licensed engineer officers;

(n) Marine engineers' beneficial association port engineers;

(o) Masters, mates, and pilots - mates;

(p) Masters, mates, and pilots - masters;

(q) Masters, mates, and pilots - watch center supervisors; and

(r) Inlandboatmen's union of the Pacific;

(2) Expenditures for agreements in this section may also be funded from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 503. COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE—COALITION—INSURANCE BENEFITS

An agreement was reached for the 2023-2025 fiscal biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$1,145 per eligible employee for fiscal year 2024. For fiscal year 2025, the monthly employer funding rate shall not exceed \$1,191 per eligible employee. These rates are sufficient to separate vision benefits out of medical plans into stand-alone vision insurance, beginning January 1, 2025.

(2) The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

NEW SECTION. Sec. 504. COMPENSATION—INSURANCE BENEFITS

Appropriations for state agencies in this act are sufficient for represented employees outside the health care coalition and nonrepresented state employee health benefits for state agencies, and are subject to the following conditions and limitations: The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$1,145 per eligible employee for fiscal year 2024. For fiscal year 2025, the monthly employer funding rate shall not exceed \$1,191 per eligible employee.

NEW SECTION. Sec. 505. GENERAL WAGE INCREASES AND LUMP SUM PAYMENTS

(1) (a) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees and employees of institutions of higher education, who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(b) Appropriations for state agency employee compensation in this act are sufficient to provide a retention lump sum payment and a lump sum COVID-19 booster incentive to state agency employees who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a four percent general wage increase effective July 1, 2023, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a four percent salary increase effective July 1, 2023, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a three percent general wage increase effective July 1, 2024, for all classified employees as specified in subsection (1)(a) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2024, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(4) Funding is provided for a retention lump sum payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who were employed on or before July 1, 2022, and continuously employed through July 1, 2023.

(5) Funding is provided for a COVID-19 booster incentive payment of \$1,000 for all employees as specified in subsection (1)(b) of this section who provide verification,

beginning January 1, 2023, through December 31, 2023, that they are up-to-date with the COVID-19 vaccine booster.

**NEW SECTION. Sec. 506. COMPENSATION—
PENSION CONTRIBUTIONS**

The appropriations in this act for state agencies are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council, and the law enforcement officers' and firefighters' retirement system plan 2 board, and as adjusted under chapter . . . (Engrossed Substitute Senate Bill No. 5294), Laws of 2023 (plan 1 UAAL rates).

(2) An increase of 0.12 percent is funded for state employer contributions to the public employees' retirement system, the public safety employees' retirement system, and the school employees' retirement system. An increase of 0.23 percent for employer contributions to the teachers' retirement system is funded. These increases are provided for the purpose of a one-time, ongoing pension increase for retirees in the public employees' retirement system plan 1 and teachers' retirement system plan 1, as provided in chapter . . . (Senate Bill No. 5350), Laws of 2023 (providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1). If chapter . . . (Senate Bill No. 5350), Laws of 2023 is not enacted by June 30, 2023, this subsection has no force and effect and appropriations for school districts and state agencies, including institutions of higher education, shall be held in unallotted status.

(3) An increase of 0.13 percent is funded for state employer contributions to the Washington state patrol retirement system and an increase of 0.01 percent is funded for state contributions to the law enforcement officers' and firefighters' retirement system plan 2 for the provisions of chapter . . . (Senate Bill No. 5296), Laws of 2023 (military service credit). If chapter . . . (Senate Bill No. 5296), Laws of 2023 is not enacted by June 30, 2023, this subsection has no force and effect and appropriations for state agencies shall be held in unallotted status.

(End of part)

IMPLEMENTING PROVISIONS

**NEW SECTION. Sec. 601. MANAGEMENT OF
TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS
NOT IN SESSION**

(1) The 2005 transportation partnership projects or improvements, 2015 connecting Washington projects or improvements, and 2022 move ahead WA projects or improvements are listed in the LEAP Transportation Document 2023-1 as developed March 29, 2023, which consists of a list of specific projects by fund source and amount over multiple biennia. Current fiscal biennium funding for each project is a line-item

appropriation, while the outer year funding allocations represent a 16-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account, connecting Washington account projects, and move ahead WA account projects on the LEAP transportation document referenced in this subsection. For the 2023-2025 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations, connecting Washington account, or move ahead WA account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

(f) Transfers may not be made while the legislature is in session;

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) Except for transfers made under (1) of this subsection, transfers may only be made in fiscal year 2024;

(i) The total amount of transfers under this section may not exceed \$50,000,000;

(j) Except as otherwise provided in (1) of this subsection, transfers made to a single project may not cumulatively total more than \$20,000,000 per fiscal biennium;

(k) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and

(1) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1), provided that the transfer amount to a single project does not exceed \$250,000 or 10 percent of the total project per fiscal biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized

under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.

NEW SECTION. Sec. 602. BOND REIMBURSEMENT

To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, connecting Washington account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. Sec. 603. BELATED CLAIMS

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 604. REAPPROPRIATIONS REPORTING

(1) As part of its 2024 supplemental budget submittal, the department of transportation shall provide a report to the legislature and the office of financial management that:

(a) Identifies, by capital project, the amount of state funding that has been reappropriated from the 2021-2023 fiscal biennium into the 2023-2025 fiscal biennium; and

(b) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2021 enacted omnibus transportation appropriations act.

(2) As part of the agency request for capital programs, the department shall load reappropriations separately from funds that were assumed to be required for the 2023-2025 fiscal biennium into budgeting systems.

NEW SECTION. Sec. 605. WEBSITE REPORTING REQUIREMENTS

The department of transportation shall post on its website every report that is due from the department to the legislature during the 2023-2025 fiscal biennium on one web page in a manner consistent with past practices as specified in section 605, chapter 333, Laws of 2021.

NEW SECTION. Sec. 606. TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING

By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023, in a manner consistent with past practices as specified in section 602, chapter 186, Laws of 2022.

NEW SECTION. Sec. 607. PROJECT SCOPE CHANGES

(1) During the 2023-2025 fiscal biennium, while the legislature is not in session, the director of the office of financial management may approve project scope change requests to connecting Washington projects and move ahead WA projects in the highway improvements program, provided that the requests meet the criteria outlined in RCW 47.01.480 and are subject to the limitations in this section.

(2) At the time the department of transportation submits a request for a project scope change under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested project scope changes.

(4) No fewer than 10 days after the receipt of a scope change request, the

director of the office of financial management must provide written notification to the department of any decision regarding project scope changes, with copies submitted to the transportation committees of the legislature.

(5) As part of its annual budget submittal, the department of transportation must report on all approved scope change requests from the prior year, including a comparison of the scope before and after the requested change.

NEW SECTION. Sec. 608. TOLL CREDITS

The department of transportation may provide up to \$5,000,000 in toll credits to Kitsap transit for its role in delivering capital projects related to Kitsap transit public transportation services including, but not limited to, ferry service. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

NEW SECTION. Sec. 609. CODIFIED GRANT AND LOAN PROGRAMS

The grant and loan programs referenced in sections 221(1), 221(3), 310(2), 310(3), and 311(2)(a) of this act reflect the respective programs and activities described in chapter . . . (Senate Bill No. 5742), Laws of 2023 (codifying existing WSDOT grant programs).

(End of part)

MISCELLANEOUS 2023-2025 FISCAL BIENNIUM

NEW SECTION. Sec. 701. INFORMATION TECHNOLOGY OVERSIGHT

The following transportation projects are subject to the conditions, limitations, and review provided in section 701, chapter . . . (Senate Bill No. 5187 or House Bill No. 1140), Laws of 2023 (omnibus operating appropriations act):

- (1) For the Washington state patrol: Aerial criminal investigation tools;
- (2) For the department of licensing: Website accessibility and usability, and to upgrade and improve prorated and fuel tax system; and
- (3) For the department of transportation: Linear referencing system (LRS) and highway performance monitoring system (HPMS) replacement, transportation reporting and accounting information system (TRAINS) upgrade and PROPEL - WSDOT support of one Washington, and capital systems replacement.

NEW SECTION. Sec. 702. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS

The department of transportation is authorized, subject to the conditions in section 305 of this act, to enter into a financing contract pursuant to chapter 39.94 RCW through the state treasurer's lease-

purchase program for the purposes indicated. The department may use any funds, appropriated or nonappropriated, in not more than the principal amounts indicated, plus financing expenses and required reserves, if any. Expenditures made by the department of transportation for the indicated purposes before the issue date of the authorized financing contract and any certificates of participation therein may be reimbursed from proceeds of the financing contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

Sec. 703. RCW 43.19.642 and 2021 c 333 s 703 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of ~~((twenty))~~ 20 percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the ~~((2019-2021—and))~~ 2021-2023 and 2023-2025 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 or B10 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

Sec. 704. RCW 46.01.385 and 2022 c 186 s 703 are each amended to read as follows:

The agency financial transaction account is created in the state treasury. Receipts directed by law to the account from cost recovery charges for credit card and other

financial transaction fees must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for paying credit card and financial transaction fees, and other related costs incurred by state agencies. During the 2021-2023 and 2023-2025 fiscal ((biennium))biennia, expenditures from the account may also be used for additional information technology costs related to supporting the department of licensing operations and addressing its staffing shortages.

Sec. 705. RCW 46.20.745 and 2021 c 333 s 704 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the ((2019-2021 and)) 2021-2023 and 2023-2025 fiscal biennia, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

Sec. 706. RCW 46.63.030 and 2013 2nd sp.s. c 23 s 23 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence, except as provided in RCW 46.09.485;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed;

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction;

(d) When the infraction is detected through the use of an automated traffic safety camera under RCW 46.63.170. For the 2023-2025 fiscal biennium, local law enforcement may allow noncommissioned officers to review infractions detected through the use of an automated traffic safety camera under RCW 46.63.170 and issue notices of infraction consistent with RCW 46.63.170(1)(g). Noncommissioned officers must be sufficiently trained in reviewing such infractions and issuing such notices; or

(e) When the infraction is detected through the use of an automated school bus safety camera under RCW 46.63.180.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering—Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

Sec. 707. RCW 46.68.063 and 2021 c 333 s 714 are each amended to read as follows:

The department of licensing technology improvement and data management account is created in the highway safety fund. All receipts from fees collected under RCW 46.12.630(5) must be deposited into the account. Expenditures from the account may be used only for investments in technology and data management at the department. During the ((2019-2021 and)) 2021-2023 and 2023-2025 fiscal biennia, the account may also be used for responding to public records requests. Moneys in the account may be spent only after appropriation.

Sec. 708. RCW 46.68.290 and 2022 c 157 s 16 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the motor vehicle fund. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for

performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within ~~((thirty))~~ 30 days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

~~((During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation partnership account to the connecting Washington account such amounts as reflect the excess fund balance of the transportation partnership account.~~

~~((12))~~ During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to ~~((the connecting Washington account,))~~ the motor vehicle fund ~~((,))~~ and the Tacoma Narrows toll bridge account ~~((, and the capital vessel replacement account)).~~

Sec. 709. RCW 46.68.300 and 2021 c 333 s 711 are each amended to read as follows:

The freight mobility investment account is hereby created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been approved by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the expenditures from the account may also be used for the administrative expenses of the freight mobility strategic investment board.

Sec. 710. RCW 46.68.370 and 2021 c 333 s 710 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.17.015 must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the license plate technology account to the highway safety fund such amounts as reflect the excess fund balance of the license plate technology account. During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the account may also be used for the maintenance of recently modernized information technology systems for vehicle registrations.

Sec. 711. RCW 46.68.395 and 2020 c 219 s 707 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the ~~((2019-2021))~~ 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the ~~((motor vehicle fund))~~ move ahead WA account.

Sec. 712. RCW 46.68.490 and 2022 c 182 s 102 are each amended to read as follows:

(1) The climate active transportation account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from

the account may be used only for the following active transportation grant programs: Safe routes to schools, school-based bike program, bicycle and pedestrian grant program, complete streets grants program, and connecting communities grant program, as well as pedestrian and bicycle or other active transportation projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 24 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate active transportation account. This subsection does not apply during the 2023-2025 fiscal biennium.

Sec. 713. RCW 46.68.500 and 2022 c 182 s 103 are each amended to read as follows:

(1) The climate transit programs account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following transit grant programs: Transit support grant program, tribal transit mobility grants, transit coordination grants, special needs transit grants, bus and bus facility grant program, green transit grants, and transportation demand management grants, as well as transit projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 56 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate transit programs account. This subsection does not apply during the 2023-2025 fiscal biennium.

Sec. 714. RCW 47.12.063 and 2022 c 186 s 710 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or building improvements or for construction of highway improvements at fair market value to any person through the solicitation of written bids through public advertising in the manner prescribed under RCW 47.28.050 or in the manner prescribed under RCW 47.12.283.

(3) The department may forego the processes prescribed by RCW 47.28.050 and 47.12.283 and sell the real property to any of the following entities or persons at fair market value:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;

(d) Regional transit authorities created under chapter 81.112 RCW;

(e) The former owner of the property from whom the state acquired title;

(f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;

(g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within 15 days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;

(h) To any other owner of real property required for transportation purposes;

(i) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW;

(j) During the 2021-2023 and 2023-2025 fiscal ((biennium))biennia, any nonprofit organization that identifies real property to be sold or conveyed as a substitute for real property owned by the nonprofit within the city of Seattle to be redeveloped for the purpose of affordable housing; or

(k) A federally recognized Indian tribe within whose reservation boundary the property is located.

(4) When selling real property pursuant to RCW 47.12.283, the department may withhold or withdraw the property from an auction when requested by one of the entities or persons listed in subsection (3) of this section and only after the receipt of a nonrefundable deposit equal to 10 percent of the fair market value of the real property or \$5,000, whichever is less. This subsection does not prohibit the department from exercising its discretion to withhold or withdraw the real property from an auction if the department determines that the property is no longer surplus or chooses to sell the property through one of the other means listed in subsection (2) of this section. If a transaction under this subsection is not completed within 60 days, the real property must be put back up for sale.

(5) Sales to purchasers may, at the department's option, be for cash, by real estate contract, or exchange of land or highway improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW and Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(6) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(7) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320

shall be deposited in the motor vehicle fund.

(8) The department may not enter into equal value exchanges or property acquisitions for building improvements without first consulting with the office of financial management and the joint transportation committee.

Sec. 715. RCW 47.56.870 and 2010 c 248 s 2 are each amended to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor. However, during the 2023-2025 fiscal biennium, a toll may also be charged for travel on the westbound state route number 520 on-ramp at 84th Avenue NE, subject to the conditions and limitations described in the pilot program and toll rates authorized under sections 205(6) and 209(6) of this act.

(3) (a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust at least annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds, authorized in RCW 47.10.879, first payable from toll revenue and then excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund the state route number 520 bridge replacement and HOV program, subject to subsection (4) of this section; and

(ii) Costs associated with the project designated in subsection (4) of this section that are eligible under RCW 47.56.820.

(4) (a) The proceeds of the bonds designated in subsection (3) (b) (i) of this section must be used only to fund the state route number 520 bridge replacement and HOV program; however, ~~((two hundred million dollars))~~ \$200,000,000 of bond proceeds, in excess of the proceeds necessary to complete the floating bridge segment and necessary landings, must be used only to fund the state route number 520, Interstate 5 to Medina bridge replacement and HOV project segment of the program, as identified in applicable environmental impact statements, and may be used to fund effective connections for high occupancy vehicles and

transit for state route number 520, but only to the extent those connections benefit or improve the operation of state route number 520.

(b) The program must include the following elements within the cost constraints identified in section 1, chapter 472, Laws of 2009, consistent with the legislature's intent that cost savings applicable to the program stay within the program and that the bridge open to vehicular traffic in 2014:

(i) A project design, consistent with RCW 47.01.408, that includes high occupancy vehicle lanes with a minimum carpool occupancy requirement of three-plus persons on state route number 520;

(ii) High occupancy vehicle lane performance standards for the state route number 520 corridor established by the department. The department shall report to the transportation committees of the legislature when average transit speeds in the two lanes that are for high occupancy vehicle travel fall below ~~((forty-five))~~ 45 miles per hour at least ten percent of the time during peak hours;

(iii) A work group convened by the mayor and city council of the city of Seattle to include sound transit, King county metro, the Seattle department of transportation, the department, the University of Washington, and other persons or organizations as designated by the mayor or city council to study and make recommendations of alternative connections for transit, including bus routes and high capacity transit, to the university link light rail line. The work group must consider such techniques as grade separation, additional stations, and pedestrian lids to effect these connections. The recommendations must be alternatives to the transit connections identified in the supplemental draft environmental impact statement for the state route number 520 bridge replacement and HOV program released in January 2010, and must meet the requirements under RCW 47.01.408, including accommodating effective connections for transit. The recommendations must be within the scope of the supplemental draft environmental impact statement. For the purposes of this section, "effective connections for transit" means a connection that connects transit stops, including high capacity transit stops, that serve the state route number 520/Montlake interchange vicinity to the university link light rail line, with a connection distance of less than ~~((one thousand two hundred))~~ 1,200 feet between the stops and the light rail station. The city of Seattle shall submit the recommendations by October 1, 2010, to the governor and the transportation committees of the legislature. However, if the city of Seattle does not convene the work group required under this subsection before July 1, 2010, or does not submit recommendations to the governor and the transportation committees of the legislature by October 1, 2010, the department must convene the work group required under this subsection and meet all the requirements of this subsection that are described as

requirements of the city of Seattle by November 30, 2010;

(iv) A work group convened by the department to include sound transit and King county metro to study and make recommendations regarding options for planning and financing high capacity transit through the state route number 520 corridor. The department shall submit the recommendations by January 1, 2011, to the governor and the transportation committees of the legislature;

(v) A plan to address mitigation as a result of the state route number 520 bridge replacement and HOV program at the Washington park arboretum. As part of its process, the department shall consult with the governing board of the Washington park arboretum, the Seattle city council and mayor, and the University of Washington to identify all mitigation required by state and federal law resulting from the state route number 520 bridge replacement and HOV program's impact on the arboretum, and to develop a project mitigation plan to address these impacts. The department shall submit the mitigation plan by December 31, 2010, to the governor and the transportation committees of the legislature. Wetland mitigation required by state and federal law as a result of the state route number 520 bridge replacement and HOV program's impacts on the arboretum must, to the greatest extent practicable, include on-site wetland mitigation at the Washington park arboretum, and must enhance the Washington park arboretum. This subsection (4)(b)(v) does not preclude any other mitigation planned for the Washington park arboretum as a result of the state route number 520 bridge replacement and HOV program;

(vi) A work group convened by the department to include the mayor of the city of Seattle, the Seattle city council, the Seattle department of transportation, and other persons or organizations as designated by the Seattle city council and mayor to study and make recommendations regarding design refinements to the preferred alternative selected by the department in the supplemental draft environmental impact statement process for the state route number 520 bridge replacement and HOV program. To accommodate a timely progression of the state route number 520 bridge replacement and HOV program, the design refinements recommended by the work group must be consistent with the current environmental documents prepared by the department for the supplemental draft environmental impact statement. The department shall submit the recommendations to the legislature and governor by December 31, 2010, and the recommendations must inform the final environmental impact statement prepared by the department; and

(vii) An account, created in section 5 of this act, into which civil penalties generated from the nonpayment of tolls on the state route number 520 corridor are deposited to be used to fund any project within the program, including mitigation. However, this subsection (4)(b)(vii) is contingent on the enactment by June 30, 2010, of either chapter 249, Laws of 2010 or chapter . . . (Substitute House Bill No.

2897), Laws of 2010, but if the enacted bill does not designate the department as the toll penalty adjudicating agency, this subsection (4)(b)(vii) is null and void.

(5) The department may carry out the improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

Sec. 716. RCW 47.56.876 and 2022 c 157 s 17 are each amended to read as follows:

(1) A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account must be used to fund legal obligations associated with bonds and loans associated with the construction and operation of state route number 520 under circumstances where the toll revenue collections at the time are not sufficient to fully cover such legal obligations, and then may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. The legislature may direct the state treasurer to make transfers of moneys in the state route number 520 civil penalties account to the state route number 520 corridor account. During the 2021-2023 and 2023-2025 fiscal ((biennium))biennia, the legislature may direct the state treasurer to transfer moneys in the state route number 520 civil penalties account to the motor vehicle account.

(2) For purposes of this section, "legal obligations associated with bonds and loans" includes, but is not limited to, debt service and all other activities necessary to comply with financial covenants associated with state route number 520, costs associated with the civil penalties program, and operation and maintenance costs.

Sec. 717. RCW 47.60.322 and 2021 c 333 s 712 are each amended to read as follows:

(1) The capital vessel replacement account is created in the motor vehicle fund. All revenues generated from the vessel replacement surcharge under RCW 47.60.315(7) and service fees collected by the department of licensing or county auditor or other agent appointed by the director under RCW 46.17.040, 46.17.050, and 46.17.060 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of ferry vessels. However, expenditures from the account must first be used to support the construction or purchase, including any applicable financing costs, of a ferry

vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The state treasurer may transfer moneys from the capital vessel replacement account to the transportation 2003 account (nickel account) for debt service on bonds issued for the construction of 144-car class ferry vessels.

(3) The legislature may transfer from the capital vessel replacement account to the connecting Washington account created under RCW 46.68.395 such amounts as reflect the excess fund balance of the capital vessel replacement account to be used for ferry terminal construction and preservation.

(4) During the ~~((2019-2021 and))~~ 2021-2023 and 2023-2025 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the capital vessel replacement account to the transportation partnership account and the connecting Washington account.

Sec. 718. RCW 47.66.120 and 2022 c 182 s 439 are each amended to read as follows:

(1)(a) The department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding for that project that is at least equal to ~~((twenty))~~ 20 percent of the total cost of the project.

(4) The department's public transportation division must report annually

to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(6) During the 2021-2023 fiscal biennium, the department may provide up to 20 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects. During the 2023-2025 fiscal biennium, the department may provide up to 10 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects.

Sec. 719. RCW 82.44.200 and 2022 c 187 s 501 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including RCW 47.01.520. Moneys in the account may be spent only after appropriation. During the 2021-2023 and 2023-2025 fiscal ~~((biennium))~~ biennia, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the move ahead WA flexible account and multimodal transportation account.

NEW SECTION. **Sec. 720.** A new section is added to chapter 70A.535 RCW to read as follows:

(1) The clean fuels transportation investment account is created in the state treasury. All receipts to the state from clean fuel credits generated from transportation investments, including those listed under RCW 70A.535.050(3), must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used by the department of transportation for transportation purposes, including activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector.

(2) This section expires June 30, 2025.

(End of part)

**2021-2023 FISCAL BIENNIUM
TRANSPORTATION AGENCIES—OPERATING**

Sec. 801. 2022 c 186 s 205 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION COMMISSION
 Motor Vehicle Account—State Appropriation. \$3,804,000
 Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. \$127,000
 State Route Number 520 Corridor Account—State Appropriation. \$276,000
 Tacoma Narrows Toll Bridge Account—State Appropriation. \$180,000
 Alaskan Way Viaduct Replacement Project Account—State Appropriation. \$172,000
TOTAL APPROPRIATION..... \$4,559,000

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

(1)(a) The commission shall reconvene the road usage charge steering committee, with the same membership described in chapter 297, Laws of 2018, and shall periodically report to the steering committee with updates on activities undertaken in accordance with the federal grant awarded July 2020 ("Forward Drive"). A year-end update on the status of any federally-funded project for which federal funding is secured must be provided to the governor's office and the transportation committees of the legislature by January 1, 2022, and by January 1, 2023. Any legislative vacancies on the steering committee must be appointed by the speaker of the house of representatives for a house of representatives member vacancy, and by the president of the senate for a senate member vacancy.

(b) The commission shall coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. One or more grant applications may be developed that, at a minimum, propose to:

(i) Assess the impact of a road usage charge, incentives, and other factors on consumer purchase of electric vehicles and conduct a test with drivers to fully assess impacts;

(ii) Assess delivery vehicle fleets and how a road usage charge may be applied, identifying potential impacts to fleet operations and costs, and state transportation revenues, and conducting a pilot test to further inform the identification of potential impacts from a road usage charge;

(iii) Review the process for changing vehicle ownership and determine the considerations and possible implications with a road usage charge system, identifying the processes and structure needed for reconciling a road usage charge owed between sellers and purchasers of used vehicles; and

(iv) Identify opportunities for achieving large-scale data integration to support road usage charge service provisions that could be offered by private-sector service providers, conducting a pilot test to determine the ability of such service

providers to support automated mileage reporting and periodic payment services.

(2) \$127,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$276,000 of the state route number 520 corridor account—state appropriation, \$180,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$172,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the transportation commission's proportional share of time spent supporting tolling operations for the respective tolling facilities.

(3) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a full planning-level traffic and revenue study of the Hood River Bridge to determine the viability of toll revenues to support future financing of improvements and possible replacement of the bridge, considering prior work and studies conducted. The commission shall coordinate this work with the department of transportation, the Port of Hood River, the Oregon department of transportation, and other entities as needed. The results of the assessment must be submitted to the house and senate transportation committees by June 30, 2023.

(4) Within the parameters established by RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission may consider adjusting maximum toll rates, minimum toll rates, time-of-day rates, restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue.

Sec. 802. 2022 c 186 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD
 Freight Mobility Investment Account—State Appropriation. ((~~\$843,000~~))
 \$874,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2022 annual report to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

Sec. 803. 2022 c 186 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL
 State Patrol Highway Account—State Appropriation. ((~~\$524,348,000~~))

	<u>\$523,571,000</u>
State Patrol Highway Account—Federal	
Appropriation.	((\$16,433,000))
	<u>\$19,578,000</u>
State Patrol Highway Account—Private/Local	
Appropriation.	\$4,314,000
Highway Safety Account—State Appropriation.	
\$1,292,000	
Ignition Interlock Device Revolving Account—	
State	
Appropriation.	\$2,243,000
Multimodal Transportation Account—State	
Appropriation.	\$293,000
State Route Number 520 Corridor Account—	
State	
Appropriation.	\$433,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.	\$77,000
I-405 and SR 167 Express Toll Lanes Account—	
State	
Appropriation.	\$1,348,000
TOTAL APPROPRIATION.	<u>(\$550,781,000)</u>
	<u>\$553,149,000</u>

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

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2021, and quarterly thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since January 1, 2021, to the director of the office of financial management and the transportation committees of the legislature. At the end of the calendar quarter in which it is estimated that more than \$625,000 in state sales and use taxes have been remitted to the state since January 1, 2021, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406, chapter 333, Laws of 2021.

(3) \$4,000,000 of the state patrol highway account—state appropriation is provided solely for a third arming and a third trooper basic training class. The cadet class is expected to graduate in June 2023.

(4) By December 1st of each year during the 2021-2023 biennium, the Washington state patrol must report to the house and senate transportation committees on the status of recruitment and retention activities as follows:

(a) A summary of recruitment and retention strategies;

(b) The number of transportation funded staff vacancies by major category;

(c) The number of applicants for each of the positions by these categories;

(d) The composition of workforce;

(e) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(f) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(5) \$493,000 of the state patrol highway account—state appropriation is provided solely for aerial criminal investigation tools, including software licensing and maintenance, and annual certification, and is subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(6) (~~\$6,422,000~~) \$4,353,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities. Beginning January 1, 2022, the Washington state patrol must report semiannually to the office of the state chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the state chief information officer, this report shall be transmitted to the office of financial management and the house and senate transportation committees.

(7) \$510,000 of the ignition interlock device revolving account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(8) \$1,348,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$433,000 of the state route number 520 corridor account—state appropriation, and \$77,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the Washington state patrol's proportional share of time spent supporting tolling operations and enforcement for the respective tolling facilities.

(9) \$289,000 of the state patrol highway account—state appropriation is provided

solely for the replacement of 911 workstations.

(10) \$35,000 of the state patrol highway account—state appropriation is provided solely for the replacement of bomb response equipment.

(11) \$713,000 of the state patrol highway account—state appropriation is provided solely for information technology infrastructure maintenance.

(12) The Washington state patrol must provide a report to the office of financial management and the house and senate transportation committees on its plan for implementing a transition to cloud computing and storage with its 2023-2025 budget submittal.

(13) \$945,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 329, Laws of 2021 (custodial interrogations).

(14) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 320, Laws of 2021 (peace officer tactics).

(15) \$46,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 324, Laws of 2021 (use of force by officers).

(16) (a) The legislature finds that the water connection extension constructed by the Washington state patrol from the city of Shelton's water facilities to the Washington state patrol academy was necessary to meet the water supply needs of the academy. The legislature also finds that the water connection provides an ongoing water supply that is necessary to the operation of the training facility, that the state is making use of the water connection for these public activities, and that any future incidental use of the municipal infrastructure put in place to support these activities will not impede the Washington state patrol's ongoing use of the water connection extension.

(b) \$2,220,000 of the transfer from the waste tire removal account to the motor vehicle fund, as required under RCW 70A.205.425, reimburses the motor vehicle fund for the portion of the water project costs assigned by the agreement to properties, other than the Washington state patrol academy, that make use of the water connection while the agreement remains in effect. This reimbursement to the motor vehicle fund is intended to address any possibility that the termination of this agreement could be determined to result in the unconstitutional use of 18th amendment designated funds for nonhighway purposes under the constitution of the state of Washington; however, this transfer is not intended to indicate that the incidental use of this infrastructure by these properties necessarily requires such reimbursement under the state Constitution. Immediately following the transfer of funds, Washington state patrol and the city of Shelton shall meet to formally update the terms of their "Agreement for Utility Connection and Reimbursement of Water Extension Expenses" executed on June 12, 2017, to reflect the intent of the proviso.

(17) The appropriations in this section provide sufficient funding for state patrol

staffing assuming vacancy savings which may change over time. Funding for staffing will be monitored and adjusted in the 2023 supplemental budget to restore funding as authorized staffing levels are achieved.

(18) \$331,000 of the state patrol highway account—state appropriation is provided solely for the state patrol's diversity, equity, and inclusion program and a contract with an external psychologist to perform exams. If chapter 146, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$793,000 of the state patrol highway account—state appropriation is provided solely for the tenant improvements and higher than expected equipment costs for the toxicology lab in Federal Way, and preparing a report on the current cost recovery mechanisms and opportunities for expanding these cost recovery mechanisms in the future. The report must be submitted to the governor and the transportation committees of the legislature by November 1, 2022.

(20) \$14,788,000 of the state patrol highway account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of commissioned and noncommissioned staff vacancies. Potential uses of the funding include, but are not limited to, the following: Operating a miniacademy and training opportunities for lateral transfers from other agencies; increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the state patrol must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection. The report must also include a description of the miniacademy training, including the number of lateral transfers that entered the training, the number which completed training, the cost of the miniacademy, and a comparison of how the training was different from a conventional academy class.

(21) \$122,000 of the state patrol highway account—state appropriation, \$1,000 of the highway safety account—state appropriation, and \$4,000 of the ignition interlock account—state appropriation are provided solely for implementation of chapter . . . (House Bill No. 1804), Laws of 2022 (interruptive military service credit for members of the state retirement systems). If chapter . . . (House Bill No. 1804), Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(22) \$250,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 80, Laws of 2022 (peace officers/use of force). If chapter 80, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$949,000 of the state patrol highway account—state is provided solely for vehicle identification number inspection staff to reduce the backlog of inspections and a study of how to incorporate best practices

into the program, including the timeliness of inspections.

Sec. 804. 2022 c 186 s 208 (unclassified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Department of Licensing Technology Improvement and

<u>Data Management Account—State</u>	
Appropriation	\$874,000
Marine Fuel Tax Refund Account—State	
Appropriation	\$34,000
Motorcycle Safety Education Account—State	
Appropriation	\$5,016,000
Limited Fish and Wildlife Account—State	
Appropriation	\$922,000
Highway Safety Account—State Appropriation.	
((\$242,712,000))	
	<u>\$240,649,000</u>
Highway Safety Account—Federal Appropriation	
.	\$1,294,000
Motor Vehicle Account—State Appropriation.	
((\$80,449,000))	
	<u>\$79,522,000</u>
Motor Vehicle Account—Federal Appropriation	
.	\$400,000
Motor Vehicle Account—Private/Local	
Appropriation	\$1,336,000
Ignition Interlock Device Revolving Account—	
State	
Appropriation	\$6,123,000
Department of Licensing Services Account—	
State	
Appropriation	((\$7,964,000))
	<u>\$7,872,000</u>
License Plate Technology Account—State	
Appropriation	
.	((\$4,092,000))
	<u>\$4,045,000</u>
Abandoned Recreational Vehicle Account—State	
Appropriation	\$3,078,000
Limousine Carriers Account—State	
Appropriation	\$110,000
Electric Vehicle Account—State Appropriation	
.	\$425,000
((DOL Technology Improvement & Data	
Management	
Account—State Appropriation—	\$874,000)
Agency Financial Transaction Account—State	
Appropriation	((\$22,257,000))
	<u>\$21,360,000</u>
Move Ahead WA Flexible Account—State	
Appropriation	\$1,260,000
TOTAL APPROPRIATION	((\$377,086,000))
	<u>\$374,320,000</u>

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

(1) \$1,100,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the department of social and health services, children's administration division for the purpose of providing driver's license support to a larger population of foster youth than is already served within existing resources. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(2) The appropriations in this section assume implementation by the department of

cost recovery mechanisms to recoup at least \$21,257,000 during the 2021-2023 biennium in credit card and other financial transaction costs as part of charges imposed for driver and vehicle fee transactions. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(3) (a) For the 2021-2023 biennium, the department shall charge \$1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(b) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to work with the regional transit authority imposing a motor vehicle excise tax pursuant to RCW 81.104.160 and transportation benefit districts imposing vehicle fees pursuant to RCW 82.80.140, and other relevant parties, to determine cost recovery options for the administration and collection of the taxes and fees. The options must include:

(i) Full cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(ii) Marginal cost recovery for the direct and indirect expenses by the department of licensing, subagents, and counties;

(iii) The estimated costs if the regional transit authority or transportation benefit districts had to contract out the entire collection and administrative activity with a nongovernmental entity.

(4) \$12,000 of the motorcycle safety education account—state appropriation, \$2,000 of the limited fish and wildlife account—state appropriation, \$728,000 of the highway safety account—state appropriation, \$238,000 of the motor vehicle account—state appropriation, \$10,000 of the ignition interlock device revolving account—state appropriation, and \$10,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(5) \$28,636,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The department shall report on a quarterly basis on the use of these funds, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued/renewed, and the number of primary drivers' licenses and identicards issued/renewed. Within the amounts provided in this subsection, the department shall

implement efficiency measures to reduce the time for licensing transactions and wait times including, but not limited to, the installation of additional cameras at licensing service offices that reduce bottlenecks and align with the "keep your customer" initiative.

(6) \$500,000 of the highway safety account—state appropriation is provided solely for communication and outreach activities necessary to inform the public of federally acceptable identification options including, but not limited to, enhanced drivers' licenses and enhanced identicards. The department shall continue the outreach plan that includes informational material that can be effectively communicated to all communities and populations in Washington. To accomplish this work, the department shall contract with an external vendor with demonstrated experience and expertise in outreach and marketing to underrepresented communities in a culturally responsive fashion.

(7) \$523,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 158, Laws of 2021 (DOL issued documents).

(8) \$929,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 240, Laws of 2021 (suspension of licenses for traffic infractions).

(9) \$23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 10, Laws of 2021 (restoring voter eligibility after felony conviction).

(10) \$3,074,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2021-2023 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(11)(a) \$54,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 216, chapter 333, Laws of 2021. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a

high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2021-2023 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent, is required to collect a \$5 fee when issuing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2023, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 216, chapter 333, Laws of 2021 is terminated.

(h) The department may adopt rules to implement this subsection.

(12) \$434,000 of the highway safety account—state appropriation is provided solely for the implementation of the

Thurston county superior court order in *Pierce et al. v. Department of Licensing*.

(13) The department shall consult with the department of corrections and state board for community and technical colleges to develop a pilot program that allows incarcerated individuals who are not prohibited by state or federal law from receiving a commercial driver's license upon release to participate in a prerelease commercial driver training program. The department must submit a report to the legislature by June 30, 2023, detailing the status of the program.

(14) \$100,000 of the highway safety account—state appropriation is provided solely for the department to lead a study on the potential impacts that current licensing requirements, including required training hours, and testing requirements may have on the shortage of commercial drivers, and whether adjustments to these requirements may be warranted to help alleviate the shortage. In completing the study, the department must consult with the workforce training board, state board for community and technical colleges, federal motor carrier safety officials, organizations representing veterans, organizations representing commercial drivers, and organizations representing businesses or government entities that rely on commercial drivers. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(15) \$965,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with delays in the production of license plates, and to provide a report detailing license plate inventory practices and whether those practices should be changed to guard against potential future plate production delays. The report must be submitted to the governor and the transportation committees of the legislature by December 1, 2022.

(16) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 96, Laws of 2022 (state leadership board) and making improvements to the annual information submitted by special license plate sponsoring organizations pursuant to RCW 46.18.120(2). The improvements must include, but are not limited to, the following: An annual budget for the sponsoring organization's activities in the preceding year; information regarding private and other governmental support for the activities of the sponsoring organization; and a description of the number of people served or services delivered, as appropriate, by the sponsoring organization in the preceding year. If chapter 96, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(17) \$268,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 (impaired driving). If chapter . . . (Engrossed Senate Bill No. 5054), Laws of 2022 is not enacted by June

30, 2022, the amount provided in this subsection lapses.

(18) \$113,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 51, Laws of 2022 (human trafficking disqualification for a commercial driver's license). If chapter 51, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(19) \$18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 239, Laws of 2022 (Patches pal special license plates). If chapter 239, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(20) \$350,000 of the highway safety account—state appropriation is provided solely to expand driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women. By March 1, 2023, the contracted provider must submit information on the annual budget in the preceding year; information regarding private and other governmental support for the activities of the provider; and a description of the number of people served, services delivered, and outcome measures.

(21) \$6,139,000 of the highway safety account—state appropriation, \$1,849,000 of the motor vehicle account—state appropriation, \$203,000 of the department of licensing services account—state appropriation, and \$105,000 of the department of licensing technology improvement and data management account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies and agency operations and customer service levels. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department shall submit a report to the governor and the legislative transportation committees detailing the specific expenditures made from the contingency funding provided in this subsection.

(22) \$28,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 191, Laws of 2022 (veterans and military suicide). If chapter 191, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(23) \$83,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 36, Laws of 2022 (vehicle registration certificate addresses). If chapter 36, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(24) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 40, Laws of 2022 (off-road vehicles fees). If chapter 40, Laws of 2022 is not enacted by June 30,

2022, the amount provided in this subsection lapses.

(25) \$18,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 117, Laws of 2022 (wine special license plate). If chapter 117, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(26) \$316,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not enacted by June 30, 2022, the amount provided in this subsection lapses.

(27) \$251,000 of the highway safety account—state appropriation is provided solely for the department to: (a) Provide each driver's license, identicard, instruction permit, intermediate license, and commercial driver's license applicant with written materials regarding the contents and requirements of RCW 46.61.212, the slow down and move over law, at the completion of the applicant's licensing transaction; (b) place signage in each of the licensing service offices that provide background on the written materials that the applicant will receive regarding the slow down and move over law; and (c) initiate the development of an appropriate training module relating to the requirements of RCW 46.61.212, for inclusion in all new driver training curricula.

(28) \$550,000 of the move ahead WA flexible account—state appropriation is provided solely for an interagency transfer to the department of children, youth, and families to provide driver's license support to a larger population of foster youth than is currently being served. Support services include reimbursement of driver's license issuance costs, fees for driver training education, and motor vehicle liability insurance costs.

(29) \$569,000 of the move ahead WA flexible account—state appropriation and \$103,000 of the agency financial transaction account—state appropriation are provided solely for estimated implementation costs associated with new revenues.

(30) \$141,000 of the move ahead WA flexible account—state appropriation is provided solely for chapter 57, Laws of 2022 (homeless identicard).

Sec. 805. 2022 c 186 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B

State Route Number 520 Corridor Account—State	
Appropriation.	(\$58,356,000)
	\$56,478,000
State Route Number 520 Civil Penalties Account—State	
Appropriation.	\$4,163,000
Tacoma Narrows Toll Bridge Account—State	
Appropriation.	(\$31,102,000)
	\$34,025,000
Alaskan Way Viaduct Replacement Project Account—	
State Appropriation.	(\$21,806,000)

	\$21,393,000
Interstate 405 and State Route Number 167 Express	
Toll Lanes Account—State Appropriation.	
(((\$24,647,000))	
	\$23,629,000
TOTAL APPROPRIATION.	(\$140,074,000)
	\$139,688,000

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

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$12,484,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since

implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3) (a) ~~(\$1,189,000)~~ \$875,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, ~~(\$2,783,000)~~ \$2,049,000 of the state route number 520 corridor account—state appropriation, ~~(\$1,218,000)~~ \$903,000 of the Tacoma Narrows toll bridge account—state appropriation, and ~~(\$1,568,000)~~ \$1,155,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2019-2021 biennium.

(b) The office of financial management shall place the amounts provided in this subsection in unallotted status until the department submits a detailed progress report on the progress of the new tolling back office system. The director of the office of financial management or their designee shall consult with the chairs and ranking members of the transportation committees of the legislature prior to making a decision to allot these funds.

(4) \$121,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$288,000 of the state route number 520 corridor account—state appropriation, \$128,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$163,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the department to contract with the state auditor's office for a performance audit of the department's project to replace its electronic toll collection system. The audit should include an evaluation of the department's project planning, vendor procurement, contract management and project oversight. The final report is to be issued by December 31, 2022. The state auditor will transmit copies of the report to the jurisdictional committees of the legislature and the department.

(5) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's web site on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants, and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs;

(c) The vendor-related costs of operating tolled facilities, including the costs of

the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement;

(d) The toll adjudication process, including a summary table for each toll facility that includes:

(i) The number of notices of civil penalty issued;

(ii) The number of recipients who pay before the notice becomes a penalty;

(iii) The number of recipients who request a hearing and the number who do not respond;

(iv) Workload costs related to hearings; (v) The cost and effectiveness of debt collection activities; and

(vi) Revenues generated from notices of civil penalty; and

(e) A summary of toll revenue by facility on all operating toll facilities and express toll lane systems, and an itemized depiction of the use of that revenue.

(6) During the 2021-2023 fiscal biennium, the department plans to issue a request for proposals as the first stage of a competitive procurement process that will replace the toll equipment and select a new tolling operator for the Tacoma Narrows Bridge. The request for proposals and subsequent competitive procurement must incorporate elements that prioritize the overall goal of lowering costs per transaction for the facility, such as incentives for innovative approaches which result in lower transactional costs, requests for efficiencies on the part of the bidder that lower operational costs, and incorporation of technologies such as self-serve credit card machines or other point-of-payment technologies that lower costs or improve operational efficiencies.

(7) \$19,908,000 of the Alaskan Way viaduct replacement project account—state appropriation is provided solely for the new state route number 99 tunnel toll facility's expected share of collecting toll revenues, operating customer services, and maintaining toll collection systems. The legislature expects to see appropriate reductions to the other toll facility accounts once tolling on the new state route number 99 tunnel toll facility stabilizes and any previously incurred costs for start-up of the new facility are charged back to the Alaskan Way viaduct replacement project account. The office of financial management shall closely monitor the application of the cost allocation model and ensure that the new state route number 99 tunnel toll facility is adequately sharing costs and the other toll facility accounts are not being overspent or subsidizing the new state route number 99 tunnel toll facility.

(8) The department shall submit a plan to the legislature for the Interstate 405 and state route number 167 express toll lanes account detailing how bond proceeds can cover the proposed construction plan on the Interstate 405 and state route number 167 express toll lane corridor outlined on LEAP Transportation Document 2021-1 as developed April 23, 2021, by January 1, 2022.

(9) ((~~\$4,554,000~~))\$5,779,000 of the state route number 520 corridor account—state appropriation and ((~~\$580,000~~))\$744,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the increased costs of insurance for the state route number 520 floating bridge and the Tacoma Narrows bridge, respectively. The department shall conduct an evaluation of the short and long-term costs and benefits including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution. By December 15, 2021, the department shall report to the legislature on the results of this evaluation.

(10) As part of the department's 2023-2025 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(11) All amounts provided for operations and maintenance expenses on the SR 520 facility from the state route number 520 corridor account during the 2021-2023 fiscal biennium in this act, up to a maximum of \$59,567,000, are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

(12) \$14,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, \$32,000 of the state route number 520 corridor account—state appropriation, \$22,000 of the Tacoma Narrows toll bridge account—state appropriation, and \$27,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely to implement chapter 132, Laws of 2022 (temporary license plates). If chapter 132, Laws of 2022 is not enacted by June 30, 2022, the amounts provided in this subsection lapse.

Sec. 806. 2022 c 186 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State
Appropriation. \$1,461,000
Motor Vehicle Account—State Appropriation.
((~~\$101,010,000~~))

\$101,026,000

Puget Sound Ferry Operations Account—State
Appropriation. \$307,000

Multimodal Transportation Account—State
Appropriation. \$7,013,000

Transportation 2003 Account (Nickel Account)
—State
Appropriation. \$1,461,000

TOTAL APPROPRIATION. ((~~\$111,252,000~~))

\$111,268,000

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

(1) \$4,273,000 of the multimodal transportation account—state appropriation and \$4,273,000 of the motor vehicle account—state appropriation are provided solely for the department's cost related to the one Washington project, and is subject to the conditions, limitations, and review requirements of section 701, chapter 333, Laws of 2021.

(2) \$2,404,000 of the motor vehicle account—state appropriation and \$119,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

Sec. 807. 2022 c 186 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
FACILITY MAINTENANCE, OPERATIONS, AND
CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation.
((~~\$36,843,000~~))

\$37,921,000

State Route Number 520 Corridor Account—
State
Appropriation. \$34,000

TOTAL APPROPRIATION. ((~~\$36,877,000~~))

\$37,955,000

The appropriations in this section are subject to the following conditions and limitations: \$780,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

Sec. 808. 2022 c 186 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION EQUIPMENT FUND—PROGRAM E**

Motor Vehicle Account—State Appropriation.
((~~\$12,396,000~~))

\$13,860,000

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

(1) \$10,396,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment. The appropriations to the department in this section must be expended to maximize the amount of obsolete equipment replaced in the 2021-2023 biennium.

(2) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department's costs related to replacing snow removal equipment. The appropriations to the department in this section must be expended to maximize the amount of snow removal equipment replaced in the 2021-2023 biennium.

Sec. 809. 2022 c 186 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics Account—State Appropriation.	
((\$8,127,000))	<u>\$9,129,000</u>
Aeronautics Account—Federal Appropriation.	
\$3,916,000	
Aeronautics Account—Private/Local	
Appropriation.	\$60,000
Multimodal Transportation Account—State	
Appropriation.	\$150,000
<u>Move Ahead WA Flexible Account—State</u>	
<u>Appropriation.</u>	<u>\$10,000</u>
TOTAL APPROPRIATION.	<u>((\$12,253,000))</u>
	<u>\$13,265,000</u>

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

(1) \$2,888,000 of the aeronautics account—state appropriation is provided solely for the airport aid grant program, which provides competitive grants to public use airports for pavement, safety, maintenance, planning, and security.

(2) \$257,000 of the aeronautics account—state appropriation is provided solely for supporting the commercial aviation coordinating commission, pursuant to section 718, chapter 333, Laws of 2021.

(3) \$280,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 131, Laws of 2021 (unpiloted aircraft system state coordinator). If chapter 131, Laws of 2021 is not enacted by June 30, 2021, the amount provided in this subsection lapses.

(4) (a) \$150,000 of the multimodal transportation account—state appropriation is provided solely for the aviation program to continue the community engagement associated with the work of the commercial aviation coordinating commission to increase aviation capacity and provide a single preferred location for a new primary commercial aviation facility by June 15, 2023. The work of the commission shall include, but is not limited to, recommendations to the legislature on future Washington state long-range commercial aviation facility needs including possible additional aviation facilities or expansion of current aviation facilities.

(b) Community engagement efforts may include:

(i) Raising awareness among aviation stakeholders and the public on the complex issues that must be addressed by the commission;

(ii) Obtaining input from a representative cross section of the public on the construction of a new airport and the expansion of existing airports to meet future aviation demand;

(iii) Keeping people informed as the commission's work progresses, including diverse communities that are often underrepresented in processes to inform decision making;

(iv) Providing opportunities for members of the public to provide direct input to the commission during the pandemic that limits opportunities for direct social contact;

(v) Using surveys, open houses, focus groups, translation services, informational handouts, advertisements, social media, and other appropriate means of communicating with the public; and

(vi) Providing a focus on the demographics or people in the geographical areas most impacted by expanding aviation capacity or developing a new aviation facility.

(c) The department may use a communications consultant or community-based organizations to assist with community engagement efforts in (b) of this subsection.

(5) \$10,000 of the move ahead WA flexible account—state appropriation is provided solely for the creation of a sustainable aviation grant program for airports. The purpose of the grant program is to support adoption of zero emissions aircraft and sustainable aviation fuels, reduce harmful aviation-related emissions, and reduce the aviation industry's reliance on fossil fuels. Sustainable aviation projects may include, but are not limited to: (a) Sustainable aviation fuel storage; (b) electrification of ground support equipment; (c) electric aircraft charging infrastructure; (d) airport clean power production; or (e) electric vehicle charging stations whose infrastructure also supports ground support equipment and electric aircraft charging. The department must select projects, which may include planning, to propose to the legislature for funding. The department shall submit a report to the transportation committees of the legislature by December 1, 2022, identifying the initial selection of sustainable aviation projects for funding by the legislature and recommended changes to modify and sustain the program.

(6) \$1,000,000 of the aeronautics account—state appropriation is provided solely for move ahead WA aviation grants.

Sec. 810. 2022 c 186 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H

Motor Vehicle Account—State Appropriation. ((~~\$58,254,000~~))

	<u>\$57,864,000</u>
Motor Vehicle Account—Federal Appropriation	
.	\$500,000

Multimodal Transportation Account—State
 Appropriation. \$758,000
 TOTAL APPROPRIATION..... ~~(\$59,512,000)~~
\$59,122,000

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

(1) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (1), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(2) With respect to Parcel 12 of the real property conveyed by the state of Washington to the city of Mercer Island under that certain quitclaim deed, dated April 19, 2000, recorded in King county under recording no. 20000425001234, the requirement in the deed that the property be used for road/street purposes only will be deemed satisfied by the department of transportation so long as commuter parking, as part of the vertical development of the property, is one of the significant uses of the property.

(3) The department shall report to the transportation committees of the legislature by December 1, 2021, on the status of its efforts to consolidate franchises for broadband facilities across the state, including plans for increasing the number of consolidated franchises in the future.

(4) During the 2021-2023 biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the right of first purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(5) ~~(\$535,000)~~ \$125,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(6) ~~(\$1,026,000)~~ \$526,000 of the motor vehicle account—state appropriation and \$500,000 of the multimodal transportation account—state appropriation ~~(is)~~ are provided solely for the implementation of chapter 314, Laws of 2021 (environmental justice task force).

(7) \$2,399,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(8) The department shall offer to sell the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature Trail in Des Moines, to Seattle Goodwill Industries, a nonprofit organization with tax ID 91-05688708, located at 700 Dearborn Place S., Seattle, WA 98144, in accordance with RCW 47.12.063 at fair market value because the legislature finds it in the public interest to do so for the public benefit that will result from Goodwill's redevelopment of the property it owns at Rainier Ave. South and South Dearborn Street to increase the supply of affordable housing.

Sec. 811. 2022 c 186 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K
 Motor Vehicle Account—State Appropriation. \$685,000
 Electric Vehicle Account—State Appropriation ~~(\$11,900,000)~~
\$9,164,000
 Multimodal Transportation Account—State Appropriation. ~~(\$3,290,000)~~
\$2,790,000

solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(3) \$1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (9) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(4) \$1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (9) of this section. The program shall address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. \$570,000 is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to \$445,000 of the city's expenses for clean-up crews and landfill costs.

(5) The department must continue a pilot program for the 2021-2023 fiscal biennium at the four highest demand safety rest areas to create and maintain an online calendar for volunteer groups to check availability of weekends for the free coffee program. The calendar must be updated at least weekly and show dates and times that are, or are not, available to participate in the free coffee program. The department must submit a report to the legislature on the ongoing pilot by December 1, 2022, outlining the costs and benefits of the online calendar pilot, and including surveys from the volunteer groups and agency staff to determine its effectiveness.

(6) \$686,000 of the motor vehicle account—state appropriation is provided solely for reimbursing the Oregon department of transportation (ODOT) for the department's share of increased maintenance costs of six highway bridges over the Columbia River that are maintained by ODOT.

(7) \$8,290,000 of the motor vehicle account—state appropriation is provided solely for increased costs of highway maintenance materials.

(8) \$5,816,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for repairing

damages to highways caused by known and unknown third parties. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for third-party damage repair and will begin using the contingency pool funding.

(9)(a) \$3,000,000 of the motor vehicle account—state appropriation and \$5,000,000 of the waste tire removal account—state appropriation are provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way, and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of \$2,000,000 of this appropriation must be used to provide more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning November 1, 2022, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the house and senate transportation committees of the legislature on the status of these efforts, including:

(i) A detailed breakout of the size, location, risk level categorization, and number of encampments on or near department-owned rights-of-way, compared to the levels during the quarter being reported;

(ii) A summary of the activities in that quarter related to addressing these encampments, including information on arrangements with local governments or other entities related to these activities;

(iii) A description of the planned activities in the ensuing quarter to further address the emergency hazards and risks along state highway rights-of-way; and

(iv) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(10)(a) \$2,000,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget

Sound Gateway project corridor in and adjacent to the city limits.

(b) The city must coordinate and work with the department and local governments and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way. State funds may be used to reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the rights-of-way or for debris clean up on highway rights-of-way.

(c) The department may hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees.

(d) Funds may also be used to reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(e) It is the intent of the legislature that the city and collaborating partners should place particular emphasis on utilizing available funds for addressing large scale and multiple homeless encampments that impact public safety and health. Funding for initiatives associated with such encampments may include targeted assistance to local governments and social service organizations, directing moneys toward not only initial efforts to clear encampments, clean up debris and restore sightlines, but to ongoing work, monitoring, and maintenance of efforts to place individuals in housing, treatment and services, and to better ensure individuals experiencing homelessness receive needed assistance while sites remain safe and secure for the traveling public.

(11) \$12,096,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(12) \$5,400,000 of the motor vehicle account—state appropriation is provided solely for replacement of traffic signs and to increase the visibility of road pavement markings. Investments must replace traffic signs that do not meet the department's standards or that are faded, lacking in reflectivity, cracked, illegible, or damaged. Investments must also increase the visibility of road pavement markings during periods of low light conditions and during

precipitation with pavement marking products that contain all-weather optical reflectivity capability. The request for proposals and subsequent competitive procurement for the signs shall be performed following state specifications and standards.

(13) \$17,000 of the motor vehicle account—local appropriation is provided solely to update existing signs along Interstate 5 in the vicinity of Seattle center. The department must install new Seattle center logos with a redesigned logo that recognizes climate pledge arena, but is not responsible for design or fabrication of the logo or new sign.

(14) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to install fencing to delineate between the privately leased property owned by the department and the public right-of-way property maintained by the city of Seattle. The parameters of the adjacent properties located under the Interstate 5 corridor, south of milepost 165, are south Jackson street and south King street going north and south, and 8th avenue south and 9th avenue south going west to east in the international district.

(15)(a) \$2,500,000 of the motor vehicle account—state appropriation is provided solely for:

(i) Additional resources for operations, maintenance, facility replacements, security, and upgrades to safety rest areas to ensure that safety rest areas owned and operated by the department are open for use except for seasonal closures or cleaning, maintenance, and repair; and

(ii) Reconfiguration of maintenance operations pursuant to chapter 262, Laws of 2022 (safety rest areas).

(b) The department may use the funds for additional labor, services, materials, or equipment needed to allow commercial vehicle parking stalls to remain open when rest areas might otherwise be closed.

(c) It is the intent of the legislature that these funds are additional resources for the department and not meant to supplant underlying resources for the maintenance and operations of safety rest areas.

(d) The department must make a report to the transportation committees of the legislature regarding the additional operations and maintenance activities made at safety rest areas to ensure that rest areas stayed open by January 15, 2023. The report must include the status per safety rest area of openings and closures that were impacted by the additional activities; the additional activities, including security efforts, that were performed at the rest areas; and an update on the status and a review of the safety rest area strategic plan.

(16)(a) \$50,000 of the motor vehicle account—state appropriation is provided solely for the department to install and inspect monthly human trafficking informational posters in every rest room in every safety rest area owned and operated by the department.

(b) In developing the informational posters, the department shall consult with

human trafficking victim advocates to determine content.

(c) The posters must:

(i) Be printed in a variety of languages;

(ii) Include contact information for seeking help, which may include toll-free telephone numbers a person may call for assistance, including the number for the national human trafficking resource center and the number for the Washington state office of crime victims advocacy; and

(iii) Be made of durable material and permanently affixed.

(d) The department shall install the informational posters in every restroom at every safety rest area owned and operated by the department by December 31, 2022.

(e) Beginning January 1, 2023, or one month after installation of informational posters, whichever is sooner, the department shall inspect the informational posters as part of its monthly maintenance activities to ensure that the posters are in fair condition and remain legible.

(f) The department must make a report to the transportation committees of the legislature regarding the installation of informational posters at safety rest areas by January 15, 2023. The report must include the number of informational posters installed, the location of the poster installations, and the completion date of the poster installations.

Sec. 813. 2022 c 186 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—OPERATING

Motor Vehicle Account—State Appropriation. (\$73,760,000)

	<u>\$73,968,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,050,000
Motor Vehicle Account—Private/Local Appropriation	\$295,000
State Route Number 520 Corridor Account—State Appropriation	\$225,000
Tacoma Narrows Toll Bridge Account—State Appropriation	\$40,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation	\$1,112,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation	\$20,000
Agency Financial Transaction Account—State Appropriation	\$100,000
<u>Move Ahead WA Account—State Appropriation</u>	<u>\$1,850,000</u>

TOTAL APPROPRIATION..... ~~(\$77,602,000)~~
\$79,660,000

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

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature

listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2) (a) During the 2021-2023 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to organ transport vehicles transporting a time urgent organ for an organ procurement organization as defined in RCW 68.64.010. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, organ transport vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are

clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208, chapter 333, Laws of 2021. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet the requirements identified in section 208, chapter 333, Laws of 2021 must be authorized to use the reserved portion of the highway.

(f) Nothing in this subsection (2) is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) \$2,574,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(4) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least \$100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions. At the direction of the office of financial management, the department shall develop a method of tracking the additional amount of credit card and other financial cost-recovery revenues. In consultation with the office of financial management, the department shall notify the office of the state treasurer of these amounts and the state treasurer must deposit these revenues in the agency financial transaction account created in RCW 46.01.385 on a quarterly basis. The department shall also submit, as part of its 2023-2025 budget submittal, an overview of the credit card cost recovery approach, including fee rates and the amount of revenue expected to be generated in the 2021-2023 and 2023-2025 biennia.

(5) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted multiple times each month

through June 30, 2023. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission or both.

(6) \$1,850,000 of the move ahead WA—state appropriation is provided solely for traffic operations enhancements. It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$30,000,000 for this purpose.

Sec. 814. 2022 c 186 s 218 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
TRANSPORTATION MANAGEMENT AND SUPPORT—
PROGRAM S**

Motor Vehicle Account—State Appropriation.	
((\$37,365,000))	\$37,371,000
Motor Vehicle Account—Federal Appropriation	\$780,000
Motor Vehicle Account—Private/Local Appropriation.	\$500,000
Puget Sound Ferry Operations Account—State Appropriation.	\$266,000
Multimodal Transportation Account—State Appropriation.	\$5,129,000
State Route Number 520 Corridor Account— State Appropriation.	\$186,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	\$150,000
Alaskan Way Viaduct Replacement Project Account— State Appropriation.	\$121,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation.	\$77,000
<u>Move Ahead WA Flexible Account—State Appropriation.</u>	<u>\$2,000,000</u>
TOTAL APPROPRIATION.....	(\$44,574,000) \$46,580,000

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

(1) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for efforts to increase diversity in the transportation construction workforce through: (a) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship program; (b) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program. At a minimum, \$1,000,000 of the total appropriation in

this subsection shall be directed toward the efforts outlined in (b) of this subsection. The provider(s) chosen to complete the work in this subsection shall be selected through a competitive bidding process. The program shall be administered by the Washington state department of transportation's office of equal opportunity.

(2) \$1,446,000 of the motor vehicle account—state appropriation is provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(3) \$774,000 of the motor vehicle account—state appropriation and \$266,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to hire a workforce development consultant to develop, track, and monitor the progress of community workforce agreements, and to hire staff to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall engage with relevant stakeholders, and provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2022.

(4) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by January 31, 2023.

(5) \$2,000,000 of the move ahead WA flexible account—state appropriation is provided solely for efforts to increase diversity in the transportation construction and maritime workforce. Of this amount:

(a) \$500,000 of the move ahead WA flexible account—state appropriation is provided solely for: (i) The preapprenticeship support services (PASS) program, which aims to increase diversity in the highway construction workforce and prepare individuals interested in entering the highway construction workforce. In addition to the services allowed by RCW 47.01.435, the PASS program may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems in order to support the participation of these youth in a transportation-related preapprenticeship

program; and (ii) assisting minority and women-owned businesses to perform work in the highway construction industry. This assistance shall include technical assistance, business training, counseling, guidance, prime to subcontractor relationship building, and a capacity building mentorship program.

(b) \$1,500,000 of the move ahead WA flexible account—state appropriation is provided solely for expansion of the PASS program to support apprenticeships and workforce development in the maritime industry through preapprenticeship training for inland waterways trades and support services to obtain necessary documents and coast guard certification.

Sec. 815. 2022 c 186 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

Motor Vehicle Account—State Appropriation.	
((\$26,483,000))	
	\$27,102,000
Motor Vehicle Account—Federal Appropriation	
.....	\$34,865,000
Motor Vehicle Account—Private/Local	
Appropriation.....	\$400,000
Multimodal Transportation Account—State	
Appropriation.....	((\$1,902,000))
	\$1,322,000
Multimodal Transportation Account—Federal	
Appropriation.....	\$2,809,000
Multimodal Transportation Account—Private/	
Local	
Appropriation.....	\$100,000
State Route Number 520 Corridor Account—	
State	
Appropriation.....	\$451,000
Interstate 405 and State Route Number 167	
Express	
Toll Lanes Account—State Appropriation.	
\$2,879,000	
<u>Move Ahead WA Flexible Account—State</u>	
<u>Appropriation.....</u>	<u>\$1,500,000</u>
<u>Move Ahead WA Flexible Account—Federal</u>	
<u>Appropriation.....</u>	<u>\$1,000,000</u>
TOTAL APPROPRIATION.....	((\$69,889,000))
	\$72,428,000

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

(1) \$4,080,000 of the motor vehicle account—federal appropriation is provided solely for the Forward Drive road usage charge research project overseen by the transportation commission using a portion of the amount of the federal grant award. The purpose of the Forward Drive road usage charge research project is to advance research in key policy areas related to road usage charge including assessing impacts of future mobility shifts on road usage charge revenues, conducting an equity analysis, updating and assessing emerging mileage reporting methods, determining opportunities to reduce cost of collection, conducting small-scale pilot tests, and identifying a long-term, detailed phase-in plan.

(2) \$2,879,000 of the Interstate 405 and state route number 167 express toll lanes

account—state appropriation is provided solely for completion of updating the state route number 167 master plan.

(3) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce in developing vehicle miles traveled targets for the counties in Washington state with (a) a population density of at least 100 people per square mile and a population of at least 200,000; or (b) a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management. Given land use patterns are key factors in travel demand and should be taken into consideration when developing the targets, the department and the department of commerce shall partner with local jurisdictions, regional transportation planning organizations and other stakeholders to inventory existing laws and rules that promote transportation and land use, identify gaps and make recommendations for changes in laws, rules and agency guidance, and establish a framework for considering underserved and rural communities in the evaluation. The department and the department of commerce shall provide an initial technical report by December 31, 2021, an interim report by June 22, 2022, and a final report to the governor and appropriate committees of the legislature by June 30, 2023, that includes a process for establishing vehicle miles traveled reduction targets, a recommended suite of options for local jurisdictions to achieve the targets, and funding requirements for state and local jurisdictions.

(4) \$451,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine testing methodologies and project timelines and costs. A draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2022. A final report must be submitted to the transportation committees of the legislature and the governor by December 31, 2022.

(5) \$5,900,000 of the motor vehicle account—federal appropriation and \$400,000 of the motor vehicle account—private/local appropriation are provided solely for delivery of the department's state planning and research work program and pooled fund research projects.

(6) \$800,000 of the motor vehicle account—state appropriation is provided solely for WSDOT to do a corridor study of SR 302 (Victor Area) to recommend safety and infrastructure improvements to address current damage and prevent future roadway

collapse and landslides that have caused road closures.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for a study on the need for additional connectivity in the area between SR 161, SR 7, SR 507, and I-5 in South Pierce County.

(8) \$1,654,000 of the motor vehicle account—state appropriation and \$108,000 of the multimodal transportation account—state appropriation are provided solely for contingency funding to address emergent issues related to mitigating negative impacts of the high level of staff vacancies. Potential uses of the funding include, but are not limited to, the following: Increased overtime, travel, and other related costs; increased contracting to maintain adequate service levels; and unanticipated facility and equipment needs. By January 1, 2023, the department must submit a report to the governor and the transportation committees of the legislature detailing the specific expenditures made from the contingency funding provided in this subsection.

(9) \$450,000 of the motor vehicle account—state appropriation is provided solely for the department to complete a performance-based project evaluation model based on the initial work done for section 218(7), chapter 219, Laws of 2020, in a way that operationalizes the six transportation policy goals in RCW 47.04.280. This work should first include clarification of the transportation policy goals through development of objectives and criteria that reflect system priorities based on outcomes of community engagement. After a framework is established by which goals can be more directly related to outcomes, the project evaluation model should leverage the department's existing experts and best practices used for prioritizing programmatic funds to develop procedures by which evaluators could consistently score and rank all types of projects. The department must issue a report by June 30, 2023, summarizing the new project evaluation model, and provide recommendations for how this process could be implemented in coordination with the legislative work cycle.

(10) (a) ~~(\$250,000)~~ \$70,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the I-5 corridor between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public

agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges. TRPC will provide to the transportation committees of the legislature a study outline and recommendations of deliverables by December 1, 2022.

(11) ~~(((\$600,000))\$200,000~~ of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by State Route 99.

(a) The support work must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning SR 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of SR 99.

(c) The city must provide a report on the plan that includes recommendations to the Seattle city council, state department of transportation, and the transportation committees of the legislature by January 1, 2025.

(12) \$1,500,000 of the move ahead WA flexible account—state appropriation and \$1,000,000 of the move ahead WA flexible account—federal appropriation are provided solely for an Interstate 5 planning and environmental linkage study. This study will serve as a next step toward a statewide Interstate 5 master plan, building upon existing work underway in the corridor. It is the intent of the legislature to direct \$40,000,000 to complete the planning and environmental linkage study over the course of the 16-year move ahead WA investment program.

(a) The study must meet planning and environmental linkages requirements to assess strategies and actions to address preservation and safety needs; climate change; improve corridor efficiency and person-throughput; and operate managed lanes effectively in the long-term. The study must include a robust public engagement program; and must assess multimodal transportation system impacts as well as economic, revenue and equity considerations. The outcome of this work will provide a basis for preliminary project planning, design, and environmental work.

(b) The department shall conduct initial stakeholder listening sessions and submit an interim report on the Interstate 5 planning and environmental linkage study to the joint transportation committee by June 30, 2023. The interim report will set study limits; outline milestones and deliverables for

environmental analysis; define committee structure and equitable engagement approaches; define subsequent phases of the study; and determine final scope, budget, and workforce needs.

(c) As an initial element of the study, the department must identify and prepare recommendations for near-term actions to improve HOV lane system-wide performance. The study should identify steps required to convert HOV lanes to a different managed lane operating concept such as express toll lanes, including detailed analysis and environmental process. The recommendations must include the planning, design, environmental review, equity considerations, community engagement, traffic and revenue analysis, rate setting, and related engineering considerations necessary for a full I-5 HOV system conversion. The department shall submit an interim report on near-term recommendations to the legislative transportation committees by June 30, 2023.

(d) By December 1, 2022, the department must also submit a recommended approach and funding request to:

(i) Assess the seismic risk of the I-5 causeway from Boeing field to Lake City Way; and

(ii) Recommendations for future work to mitigate seismic risk on the causeway, including estimated costs.

Sec. 816. 2022 c 186 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

State Vehicle Parking Account—State	
Appropriation.	\$784,000
Regional Mobility Grant Program Account—State	
Appropriation.	(((\$115,488,000))
	\$83,488,000
Rural Mobility Grant Program Account—State	
Appropriation.	\$33,283,000
Multimodal Transportation Account—State	
Appropriation.	(((\$134,754,000))
	\$129,245,000
Multimodal Transportation Account—Federal	
Appropriation.	\$3,574,000
Multimodal Transportation Account—Private/ Local	
Appropriation.	\$100,000
Climate Transit Programs Account—State	
Appropriation.	\$53,436,000
TOTAL APPROPRIATION.	(((\$287,983,000))
	\$303,910,000

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

(1) \$67,821,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) \$15,568,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders,

and the cost effectiveness of trips provided. Fuel type may not be a factor in the grant selection process.

(b) \$52,253,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. Fuel type may not be a factor in the grant selection process.

(2) \$33,283,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) \$2,000,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. Fuel type may not be a factor in the grant selection process.

(4) \$37,809,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023, Program - Public Transportation Program (V).

(5) (a) ((\$77,679,000))\$45,679,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants

when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2021, and December 15, 2022, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. Additionally, when allocating funding for the 2023-2025 biennium, no more than thirty percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2021-2023 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$6,500,000 of the multimodal transportation account—state appropriation and \$784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount:

(a) \$30,000 of the state vehicle parking account—state appropriation is provided solely for the STAR pass program for state employees residing in Mason and Grays Harbor Counties. Use of the pass is for public transportation between Mason County and Thurston County, and Grays Harbor and Thurston County. The pass may also be used within Grays Harbor County. The STAR pass commute trip reduction program is open to any state employee who expresses intent to commute to his or her assigned state worksite using a public transit system currently participating in the STAR pass program.

(b) \$800,000 of the multimodal transportation account—state appropriation is provided solely for continuation of the first mile/last mile connections grant program. Eligible grant recipients include cities, businesses, nonprofits, and transportation network companies with first mile/last mile solution proposals. Transit agencies are not eligible. The commute trip reduction board shall develop grant parameters, evaluation criteria, and evaluate grant proposals. The commute trip reduction board shall provide the transportation committees of the legislature a report on the effectiveness of this grant program and best practices for continuing the program.

(8)(a) Except as provided otherwise in this subsection, (~~(\$29,030,000)~~) \$25,352,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023. It is the intent of the legislature that entities identified to receive funding in the LEAP transportation document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP transportation document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(b) Within the amount provided in this subsection, (~~(\$900,000)~~) \$150,000 of the multimodal transportation account—state appropriation is provided solely to complete work on Martin Luther King Way, Rainier Ave improvements (G2000040).

(9) The department shall not require more than a ten percent match from nonprofit transportation providers for state grants.

(10) (~~(\$23,349,000)~~) \$20,849,000 of the multimodal transportation account—state appropriation is provided solely for the green transportation capital grant program established in chapter 287, Laws of 2019 (advancing green transportation adoption).

(11) \$555,000 of the multimodal transportation account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to establish and administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and provide this report to the transportation committees of the legislature by November 15, 2021.

(12) The department must provide telework assistance to employers as part of its CTR activities. The objectives of telework assistance include improving transportation system performance, supporting economic vitality, and increasing equity and access to opportunity.

(13) \$150,000 of the multimodal transportation account—state appropriation

is provided solely for Intercity Transit for the Dash shuttle program.

(14)(a) \$500,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams including human services personnel along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must be individuals trained in deescalation and outreach. The function and duties should be cocreated with community stakeholders.

(b) King county metro must provide a report to the transportation committees of the legislature by June 30, 2023, regarding the effectiveness of the program, any suggestions for improving its efficacy, and any modifications that might be necessary for other transit providers to institute similar programs.

(c) If King county metro does not provide at least \$500,000 to develop the pilot program funded by this subsection, the amount provided in this subsection lapses.

(15)(a) \$250,000 of the multimodal transportation account—state appropriation is provided solely for the department, in consultation with the joint transportation committee, to conduct a study of statewide transit service benchmarks. Elements of the study include:

(i) Development of definitions of frequent fixed route transit and accessible frequent fixed route transit; and

(ii) Identification of, to the extent possible using existing data, current gaps in frequent fixed route transit and accessible walking routes to frequent fixed route transit stops.

(b) An initial report is due by December 15, 2022, that proposes a definition of frequent transit and documents how many people in Washington live within one half mile walk of frequent transit. A final report is due by June 30, 2023, that identifies gaps in accessible frequent transit, analyzed for disparities in race, age, and disability, and develops funding scenarios to address the identified gaps.

(16) Within existing resources, the department shall prepare a report regarding the funding, implementation, and operation of the grant management system or systems utilized by the public transportation division. In preparing this report, the department must survey and report on all grant recipients experience with the operation of this system or systems. The department shall provide this report to the transportation committees of the legislature by November 15, 2022.

(17) \$14,120,000 of the climate transit programs account—state appropriation is provided solely for newly selected special needs grants. Of this amount:

(a) \$3,248,000 of the climate transit programs account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation.

Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost-effectiveness of trips provided.

(b) \$10,872,000 of the climate transit programs account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2019 as reported in the "Summary of Public Transportation - 2019" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions.

(18) \$33,606,000 of the climate transit programs account—state appropriation is provided solely for transit support grants. To be eligible for transit support grant distribution, transit agencies must submit documentation of fare-free policy for 18 years and under by October 1, 2022, to be eligible for the 2023-2025 biennium. Transit agencies that submit fare policy documentation following the October 1, 2022, deadline shall become eligible for the next biennial distribution.

(19) \$4,710,000 of the climate transit programs account—state appropriation is provided solely for newly selected green transportation grants.

(20) \$1,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall give priority to grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

(21) It is the intent of the legislature that \$520,000 will be provided for the Sauk-Suiattle Commuter Bus Project (L1000318) in the 2023-2025 fiscal biennium.

(22) It is the intent of the legislature that \$1,760,000 of regional mobility grant program account—state funds be added to the 2023-2025 fiscal biennium for city of Kent: Rapid Ride Facility Passenger Amenities & Access project (20190004), and the LEAP transportation document referenced in subsection (4) of this section be changed accordingly.

Sec. 817. 2022 c 186 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Multimodal Transportation Account—State	
Appropriation.	\$9,000
Puget Sound Ferry Operations Account—State	
Appropriation.	(\$430,388,000)
	\$444,949,000
Puget Sound Ferry Operations Account—Federal	
Appropriation.	(\$156,789,000)

	\$155,934,000
Puget Sound Ferry Operations Account—	
Private/Local	
Appropriation.	\$121,000
TOTAL APPROPRIATION.	(\$587,298,000)
	\$601,013,000

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2021-2023 supplemental and 2023-2025 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) For the 2021-2023 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee, which must include a representative of the department of enterprise services.

(3) \$32,905,000 of the Puget Sound ferry operations account—federal appropriation and ~~(\$53,794,000)~~ \$65,539,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2021-2023 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(4) \$500,000 of the Puget Sound ferry operations account—state appropriation is ~~(provided solely)~~ for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(5) \$2,400,000 of the Puget Sound ferry operations account—state appropriation and \$2,000,000 of the Puget Sound ferry operations account—federal appropriation are ~~(provided solely)~~ for staffing and overtime expenses incurred by engine and deck crewmembers. The department must provide updated staffing cost estimates for fiscal years 2022 and 2023 with its annual budget submittal and updated estimates by January 1, 2022.

(6) \$688,000 of the Puget Sound ferry operations account—state appropriation and \$697,000 of the Puget Sound ferry operations account—federal appropriation are ~~(provided solely)~~ for new employee training. The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship

and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(7) The department must request reimbursement from the federal transit administration for the maximum amount of ferry operating expenses eligible for reimbursement under federal law.

(8) \$484,000 of the Puget Sound ferry operations account—federal is ~~((provided solely))~~ for the department to contract for additional traffic control assistance at the Kingston ferry terminal during peak ferry travel times, with a particular focus on Sundays and holiday weekends. Traffic control methods should include, but not be limited to, holding traffic on the shoulder at Lindvog Road until space opens for cars at the tollbooths and dock, and management of traffic on Highway 104 in order to ensure Kingston residents and business owners have access to businesses, roads, and driveways.

(9) \$336,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided solely))~~ for evacuation slide training.

(10) \$336,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided solely))~~ for fall restraint labor and industries inspections.

(11) \$735,000 of the Puget Sound ferry operations account—state appropriation and \$410,000 of the Puget Sound ferry operations account—federal appropriation are ~~((provided solely))~~ for familiarization for new assignments of engine crew and terminal staff.

(12) \$160,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided solely))~~ for electronic navigation training.

(13) ~~(((\$250,000))\$75,000~~ of the Puget Sound ferry operations account—state appropriation is ~~((provided solely))~~ for Washington State Ferries to conduct a study of passenger demographics. The study must include:

(a) Information on age, race, gender, income level of passengers by route in summer and winter seasons;

(b) Composition of passengers by travel purpose, such as commute, tourism, or commerce; and

(c) Frequency of passenger trips by mode and fare products utilized.

The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023.

(14) (a) \$8,419,000 of the Puget Sound ferry operations account—federal appropriation is ~~((provided solely))~~ for Washington state ferries to:

(i) Continuously recruit and hire deck, engine, and terminal staff;

(ii) Contract with an external recruitment firm to increase recruitment efforts both locally and nationally with an emphasis on attracting maritime workers from communities underrepresented in the ferry system;

(iii) Enhance employee retention by standardizing on-call worker schedules;

(iv) Increase training and development opportunities for employees; and

(v) Make improvements to hiring processes by establishing additional positions to support timely hiring of employees.

(b) It is the intent of the legislature to continue funding for the activities outlined in this section as part of the move ahead WA package.

(15) \$248,000 of the Puget Sound ferry operations account—federal appropriation is ~~((provided solely))~~ for labor at the Vashon terminal.

(16) \$194,000 of the Puget Sound ferry operations account—federal appropriation is ~~((provided solely))~~ for operating costs at the Mukilteo terminal.

(17) \$294,000 of the Puget Sound ferry operations account—federal appropriation is ~~((provided solely))~~ for deck and engine internships.

(18) By December 1, 2022, the department must report on the status of efforts to increase training and development opportunities for employees. The report must include a description of the new training and career advancement programs for able-bodied sailors, mates, and engineers; the numbers of employees participating in each program; the number of employees completing each program; the number of open positions that the program is designed to fill; and the anticipated number of employee promotions as a result of program completion. The department must provide the report to the office of financial management and the transportation committees of the legislature.

(19) For the Mukilteo multimodal terminal, the department must submit a report showing for a 12-month period, on a monthly basis, how much electricity is generated by solar power generated on-site, electricity usage, and actual electricity cost savings. The report is due to the transportation committees of the legislature by June 30, 2023.

(20) \$93,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided solely))~~ for Washington state ferries to partner with local community colleges and universities to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials for incoming ferry system employees and trainees.

(21) (a) \$300,000 of the Puget Sound ferry operations account—state appropriation is ~~((provided solely))~~ for the department, in consultation with the joint transportation committee, to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan ferry routes. The study must also identify available public funding sources to support these strategies. Reducing the need for passengers to bring their cars on the ferries will increase the capacity of each ferry run to transport more people.

(b) The evaluated options may include, but not be limited to:

(i) Increased public funding or other support for transit or shuttle service

between ferry landings on Orcas, Lopez, San Juan, and Anacortes and nearby major town centers or connecting transit hubs;

(ii) Options to increase availability of taxi and rideshare services at each of the landings;

(iii) Short-term electric vehicle rentals at ferry landings, including electric bicycles and scooters;

(iv) Public funding or other support to increase the available locations for additional parking and reduce the cost for short-term parking near each landing;

(v) Marketing of the availability of options through the Washington state ferries reservation system website, on ferries and at ferry landings and ticketing facilities.

(c) Outreach for the study, including on the feasibility and effectiveness of each strategy evaluated, must include outreach to representatives of:

- (i) Washington state ferries;
- (ii) San Juan county council;
- (iii) Anacortes and San Juan Islands ferry advisory committee members;
- (iv) San Juan economic development council;
- (v) City of Anacortes;
- (vi) City of Friday Harbor;
- (vii) Skagit transit;
- (viii) Skagit RTPO;
- (ix) Eastsound;
- (x) Lopez Village;
- (xi) Transit dependent populations; and
- (xii) Others as deemed appropriate by the committee.

(d) A report with recommendations on the most feasible and cost-effective strategies to maximize walk-on passenger ridership of the Anacortes - San Juan and Anacortes - Sidney ferry routes is due to the transportation committees of the legislature by January 6, 2023.

(22) (a) During negotiations of the 2023-2025 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity, and the attorney general's office.

(b) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

(23) To the extent that an activity funded by federal funds in this section is

not eligible for federal reimbursement, the department may transfer expenditure authority between state and federal appropriations provided in this section.

Sec. 818. 2022 c 186 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING

Multimodal Transportation Account—State	
Appropriation.	(\$68,430,000)
	<u>\$68,431,000</u>
Multimodal Transportation Account—Private/Local	
Appropriation.	\$46,000
Multimodal Transportation Account—Federal	
Appropriation.	\$500,000
TOTAL APPROPRIATION.	(\$68,976,000)
	<u>\$68,977,000</u>

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

(1) The department is directed to continue to pursue efforts to reduce costs, increase ridership, and review Amtrak Cascades fares and fare schedules. Within thirty days of each annual cost/revenue reconciliation under the Amtrak service contract, the department shall report annual credits to the office of financial management and the legislative transportation committees. Annual credits from Amtrak to the department including, but not limited to, credits due to higher ridership, reduced level of service, and fare or fare schedule adjustments, must be used to offset corresponding amounts of the multimodal transportation account—state appropriation, which must be placed in reserve.

(2) Consistent with the ongoing planning and service improvement for the intercity passenger rail program, \$500,000 of the multimodal transportation account—state is provided solely for the Cascades service development plan. This funding is to be used to analyze current and future market conditions and to develop a structured assessment of service options and goals based on anticipated demand and the results of the state and federally required 2019 state rail plan, including identifying implementation alternatives to meet the future service goals for the Amtrak Cascades route. The work must be consistent with federal railroad administration guidance and direction on developing service development plans. It must also leverage the \$500,000 in federal funding appropriated for development of a service development plan and comply with the planning and grant award obligations of the consolidated rail infrastructure and safety improvements (CRISI) program. A status report must be provided to the transportation committees of the legislature by June 30, 2022.

(3) \$4,000,000 of the multimodal transportation account—state appropriation is provided solely for the continued coordination, engagement, and planning for a new ultra high-speed ground transportation corridor with participation from Washington, Oregon, and British Columbia. This funding is contingent on meaningful financial

contributions for this effort by Oregon or British Columbia. "Ultra high-speed" means a maximum testing speed of at least 250 miles per hour. These efforts are to support and advance activities and must abide by the memorandum of understanding signed by the governors of Washington and Oregon, and the premier of the province of British Columbia in November 2021. The department shall establish a policy committee with participation from Washington, Oregon, and British Columbia, including representation from the two largest caucuses of each chamber of the Washington state legislature, and coordinate the activities of the policy committee to include:

(a) Developing an organizational framework that facilitates input in decision-making from all parties;

(b) Developing a public engagement approach with a focus on equity, inclusion, and meaningful engagement with communities, businesses, federal, state, provincial, and local governments including indigenous communities;

(c) Developing and leading a collaborative approach to prepare and apply for potential future federal, state, and provincial funding opportunities, including development of strategies for incorporating private sector participation and private sector contributions to funding, including through the possible use of public-private partnerships;

(d) Beginning work on scenario analysis addressing advanced transportation technologies, land use and growth assumptions, and an agreed to and defined corridor vision statement; and

(e) Developing a recommendation on the structure and membership of a formal coordinating entity that will be responsible for advancing the project through the project initiation stage to project development and recommended next steps for establishment of the coordinating entity. Project development processes must include consideration of negative and positive impacts on communities of color, low-income households, indigenous peoples, and other disadvantaged communities.

By June 30, 2023, the department shall provide to the governor and the transportation committees of the legislature a report detailing the work conducted by the policy committee and recommendations for establishing a coordinating entity. The report must also include an assessment of current activities and results relating to stakeholder engagement, planning, and any federal funding application. As applicable, the assessment should also be sent to the executive and legislative branches of government in Oregon and appropriate government bodies in the province of British Columbia.

(4) The department shall consider applying for federal grant opportunities that support the development of the Amtrak Cascades service. Grant submittals must align with the department's federally required service development plan and state rail plans and partnership agreements with Amtrak as the service provider and BNSF Railway as the host railroad.

Sec. 819. 2022 c 186 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Motor Vehicle Account—State Appropriation. (((\$12,451,000))	<u>\$12,454,000</u>
Motor Vehicle Account—Federal Appropriation	\$2,567,000
Multiuse Roadway Safety Account—State Appropriation.....	\$900,000
Multimodal Transportation Account—State Appropriation.....	\$250,000
TOTAL APPROPRIATION.....	<u>(\$16,168,000)</u>
	<u>\$16,171,000</u>

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

(1) The entire multiuse roadway safety account—state appropriation is provided solely for grants under RCW 46.09.540, subject to the following limitations:

(a) Twenty-five percent of the amounts provided are reserved for counties that each have a population of fifteen thousand persons or less; and

(b)(i) Seventy-five percent of the amounts provided are reserved for counties that each have a population exceeding fifteen thousand persons; and

(ii) No county that receives a grant or grants under (a) of this subsection may receive more than sixty thousand dollars in total grants.

(2) \$1,023,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) In coordination with stakeholders, identify county-owned fish passage barriers, and assess which barriers share the same stream system as state-owned fish passage barriers;

(b) Streamline and update the county road administration board's data dashboard, county reporting systems, and program management software to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties; and

(c) Conduct a study of the use of county road right-of-way as a potential source of revenue for county road operating and maintenance needs with recommendations on their feasibility statewide.

(End of part)

TRANSPORTATION AGENCIES—CAPITAL

Sec. 901. 2022 c 186 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Freight Mobility Investment Account—State Appropriation.....	(((\$17,769,000)) <u>\$10,206,000</u>
Freight Mobility Multimodal Account—State Appropriation.....	(((\$14,004,000))

\$6,206,000
TOTAL APPROPRIATION..... ~~(\$31,773,000)~~
\$16,412,000

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

(1) Except as otherwise provided in this section, the entire appropriations in this section are provided solely for the projects by amount, as listed in the LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023, Freight Mobility Strategic Investment Board (FMSIB).

(2) Until directed by the legislature, the board may not initiate a new call for projects.

(3) It is the intent of the legislature to continue to make strategic investments in a statewide freight mobility transportation system with the help of the freight mobility strategic investment board, including projects that mitigate the impact of freight movement on local communities. To that end, and in coordination with WSDOT as it updates its federally-compliant freight plan, the board is directed to identify the highest priority freight investments for the state, across freight modes, state and local jurisdictions, and regions of the state. By December 1, 2021, the board must submit a preliminary report providing a status update on the process and methodology for identifying and prioritizing investments. By December 1, 2022, the board must submit a prioritized list of freight investments that are geographically balanced across the state and can proceed to construction in a timely manner. The prioritized freight project list for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects.

(4)(a) For the 2021-2023 project appropriations, unless otherwise provided in this act, the director of the office of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and support the efficient and timely delivery of all projects in the program. The office of financial management may authorize a transfer of appropriation authority between projects under the following conditions and limitations:

(i) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(ii) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects on LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023;

(iii) Transfers between projects may be made by the board without the formal written approval provided under this subsection (3) (a), provided that the transfer amount does not exceed \$250,000 or 10 percent of the total project, whichever is less. These

transfers must be reported to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees; and

(iv) Except for transfers made under (a) (iii) of this subsection, transfers may only be made in fiscal year 2023.

(b) At the time the board submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(c) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and consider any concerns raised by the chairs and ranking members of the transportation committees.

(d) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the board of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

Sec. 902. 2022 c 186 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL
State Patrol Highway Account—State
Appropriation. ~~(\$4,803,000)~~
\$4,203,000

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

(1) \$695,000 of the state patrol highway account—state appropriation is provided solely for roof replacement.

(2) ~~(\$3,501,000)~~\$3,508,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) \$250,000 for emergency repairs;
(b) \$350,000 for fuel tank decommissioning;

(c) ~~(\$750,000)~~\$250,000 for generator and electrical replacement;

(d) \$195,000 for the exterior envelope of the Yakima office;

(e) \$466,000 for equipment shelters;
(f) ~~(\$650,000)~~\$550,000 for the weatherization projects;

(g) \$200,000 for roof replacements reappropriation; and

(h) \$640,000 for water and fire suppression systems reappropriation and \$607,000 for additional water and fire suppression systems.

(3) The Washington state patrol may transfer funds between projects specified in this subsection to address cash flow requirements. If a project specified in this subsection is completed for less than the amount provided, the remainder may be transferred to another project specified in this subsection not to exceed the total appropriation provided in this subsection.

Sec. 903. 2022 c 186 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD
 Rural Arterial Trust Account—State
 Appropriation. ((\$55,028,000))
 \$47,908,000
 Motor Vehicle Account—State Appropriation.
 \$1,456,000
 County Arterial Preservation Account—State
 Appropriation. ((\$44,653,000))
 \$45,666,000
Move Ahead WA Account—State Appropriation.
\$10,000,000
TOTAL APPROPRIATION. ((\$101,137,000))
\$105,030,000

The appropriation in this section is subject to the following conditions and limitations: The entire move ahead WA account—state appropriation is provided solely for additional preservation funding allocations to counties through the county arterial preservation program.

Sec. 904. 2021 c 333 s 304 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION IMPROVEMENT BOARD
 Small City Pavement and Sidewalk Account—
 State
 Appropriation \$4,100,000
 Transportation Improvement Account—State
 Appropriation ((\$201,000,000))
 \$171,000,000
 Complete Streets Grant Program Account—State
 Appropriation \$14,670,000
Move Ahead WA Account—State Appropriation.
\$10,000,000
Climate Active Transportation Account—State
Appropriation. \$3,000,000
TOTAL APPROPRIATION. ((\$219,770,000))
\$202,770,000

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

(1) \$2,500,000 of the transportation improvement account—state appropriation is provided solely for the Relight Washington Program. The transportation improvement board shall conduct a comparative analysis of expanding the Relight Washington Program to all cities that are not currently eligible compared to utilizing the same funding amount for other preservation programs administered by the transportation improvement board. If needed to perform this analysis, the transportation improvement board shall gather additional information on the demand and return on investment from a follow up survey to cities currently ineligible for the Relight Washington Program. The transportation improvement board shall report the results of the analysis to the governor and the transportation committees of the legislature by January 1, 2022.

(2) The entire climate active transportation account—state appropriation is provided solely for newly selected complete streets grants.

(3) The entire move ahead WA account—state appropriation is provided solely for additional preservation funding to cities.

Sec. 905. 2022 c 186 s 304 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION—
 FACILITIES—PROGRAM D—(DEPARTMENT OF
 TRANSPORTATION-ONLY PROJECTS)—CAPITAL**
 Motor Vehicle Account—State Appropriation.
 ((\$16,076,000))
 \$15,743,000
 Connecting Washington Account—State
 Appropriation. \$3,667,000
TOTAL APPROPRIATION. ((\$19,743,000))
\$19,410,000

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

(1) \$3,289,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue in Lacey, Washington.

(2) (a) \$4,325,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline.

(b) Payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract in (a) of this subsection must be deposited into the motor vehicle account.

Sec. 906. 2022 c 186 s 305 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF TRANSPORTATION—
 IMPROVEMENTS—PROGRAM I**
 Transportation 2003 Account (Nickel Account)
 —State
 Appropriation. ((\$482,000))
 \$486,000
 Transportation Partnership Account—State
 Appropriation. ((\$232,566,000))
 \$173,980,000
 Motor Vehicle Account—State Appropriation.
 ((\$246,948,000))
 \$233,944,000
 Motor Vehicle Account—Federal Appropriation
 ((\$251,835,000))
 \$263,446,000
 Coronavirus State Fiscal Recovery Fund—
 Federal
 Appropriation. ((\$400,000,000))
 \$100,000,000
 Motor Vehicle Account—Private/Local
 Appropriation. ((\$56,192,000))
 \$88,263,000
 Connecting Washington Account—State
 Appropriation. ((\$2,063,783,000))
 \$1,705,138,000
 Special Category C Account—State
 Appropriation. ((\$86,198,000))
 \$71,102,000
 Multimodal Transportation Account—State
 Appropriation. ((\$10,792,000))
 \$4,779,000
 Puget Sound Gateway Facility Account—State
 Appropriation. \$8,400,000
 State Route Number 520 Corridor Account—
 State
 Appropriation. \$70,886,000
 Interstate 405 and State Route Number 167
 Express

Toll Lanes Account—State Appropriation. ((\$217,282,000))	<u>\$34,028,000</u>
Move Ahead WA Account—State Appropriation. ((\$10,771,000))	
	<u>\$60,793,000</u>
Move Ahead WA Account—Federal Appropriation ((\$7,200,000))	<u>\$52,312,000</u>
TOTAL APPROPRIATION... ((\$3,663,335,000))	<u>\$2,867,557,000</u>

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2022-1))2023-1 as developed March ((9, 2022))29, 2023, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601(~~chapter 333, Laws of 2021~~) of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001) (~~as long as the application of the funds is not inconsistent with subsection (26) of this section~~).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer (~~funds~~) appropriation authority between programs I and P, except for (~~funds~~) appropriation authority that (~~are~~) is otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) (~~The connecting Washington account—state appropriation includes up to \$326,594,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.~~

~~(5))~~ The special category C account—state appropriation includes up to \$51,460,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

~~((6))~~ (5) The transportation partnership account—state appropriation includes up to (~~(\$124,629,000)~~) \$32,000,000 in proceeds from

the sale of bonds authorized in RCW 47.10.873.

~~((7))~~ \$106,947,000 of the transportation partnership account—state appropriation, \$3,882,000 of the motor vehicle account—private/local appropriation, (~~(\$9,000,000)~~) \$4,880,000 of the motor vehicle account—state appropriation, (~~(\$1,000 of the transportation 2003 account (nickel account) state appropriation,~~) and (~~(\$985,000)~~) \$987,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z). It is the intent of the legislature that any legal damages paid to the state as a result of a lawsuit related to contractual provisions for construction and delivery of the Alaskan Way viaduct replacement project be used to repay project cost increases paid from the transportation partnership account—state funds and motor vehicle account—state funds.

~~((8))~~ (7) \$168,662,000 of the connecting Washington account—state appropriation, \$1,000 of the Special Category C account—state appropriation, and \$488,000 of the motor vehicle account—local appropriation are provided solely for the US 395 North Spokane Corridor project (M00800R). If the department expects the original scope of this project to be completed under budget when a final design is approved for the interchange with I-90 and nearby on ramp access, then the scope of work for this project must also include constructing a land bridge in the vicinity of Liberty Park in Spokane, if appropriations are sufficient. It is the intent of the legislature, consistent with the move ahead WA proposal, to advance future funding for this project in order to accelerate delivery by up to two years.

~~((9))~~ (8) (a) (~~(\$177,982,000)~~) \$20,962,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation is provided solely for the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) for activities related to adding capacity on Interstate 405 between state route number 522 and Interstate 5, with the goals of increasing vehicle throughput and aligning project completion with the implementation of bus rapid transit in the vicinity of the project.

(b) The department may advance the I-405/SR 522 to I-5 Capacity Improvements project (L2000234) and construct the project earlier than is scheduled in the LEAP transportation document referenced in subsection (2) of this section if additional funding is identified and submitted through the existing unanticipated receipts process by September 1, 2021. The department and the state treasurer shall pursue alternatives to toll revenue funding including but not limited to federal loan and grant programs. The department shall explore phasing and modifying the project to attempt to align project completion with the anticipated deployment of bus rapid transit on the corridor in the 2023-2025 biennium. The department shall report back to the transportation committees of the legislature on this work by September 15, 2021.

~~((10)) (9)~~ ~~((\$329,681,000))~~ ~~\$309,774,000~~ of the connecting Washington account—state appropriation, \$70,886,000 of the state route number 520 corridor account—state appropriation, and ~~(((\$1,021,000))~~ ~~\$1,411,000~~ of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(b) Upon completion of the Montlake Phase of the West End project (current anticipated contract completion of 2023), the department shall sell that portion of the property not used for permanent transportation improvements and initiate a process to convey that surplus property to a subsequent owner.

(c) Of the amounts provided in this subsection ~~((10)) (9)~~, \$100,000 of the state route number 520 corridor account—state appropriation is provided solely for noise mitigation activities. ~~((It is the intent of the legislature to provide an additional \$1,000,000 for noise mitigation activities over the course of the 16-year move ahead WA funding package.~~

~~((11) \$361,296,000)) (10) \$296,965,000~~ of the connecting Washington account—state appropriation, ~~(((\$4,800,000))~~ ~~\$2,145,000~~ of the multimodal transportation account—state appropriation, ~~(((\$13,725,000))~~ ~~\$4,242,000~~ of the motor vehicle account—private/local appropriation, ~~\$4,000~~ of the motor vehicle account—state appropriation, ~~\$7,200,000~~ of the move ahead WA account—federal appropriation, ~~\$8,400,000~~ of the Puget Sound Gateway facility account—state appropriation, and ~~(((\$85,015,000))~~ ~~\$84,515,000~~ of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) It is the legislature's intent that the department shall consult with the joint executive committee and joint steering committee to determine the most appropriate interchange at the junction of state route number 161 (Meridian avenue) and state route number 167.

~~((d) Of the amounts provided in this subsection, \$2,300,000 of the multimodal transportation account—state appropriation is provided solely for the design phase of the Puyallup to Tacoma multiuse trail along the SR 167 right-of-way acquired for the project to connect a network of new and~~

~~existing trails from Mount Rainier to Point Defiance Park.~~

~~(e) Of the amounts provided in this subsection, \$2,500,000 of the multimodal transportation account—state appropriation is provided solely for segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.~~

~~((12)) (11) (a) (((\$25,378,000))~~ ~~\$25,379,000~~ of the motor vehicle account—state appropriation, ~~\$10,000,000~~ of the move ahead WA account—state appropriation, and ~~(((\$413,000))~~ ~~\$36,414,000~~ of the motor vehicle account—private/local appropriation are provided solely to support a project office and the continued work toward the I-5 Interstate Bridge Replacement project ~~((L2000370)) (L4000054)~~. The legislature finds that the replacement of the I-5 Columbia river bridge is a project of national significance and is critical for the movement of freight. One span is now 104 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods, and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia river bridge with an investment of \$1,000,000,000 over the 16-year move ahead WA investment program.

(b) The project office must also study the possible different governance structures for a bridge authority that would provide for the joint administration of the bridges over the Columbia river between Oregon and Washington. As part of this study, the project office must examine the feasibility and necessity of an interstate compact in conjunction with the national center for interstate compacts.

(c) During the 2021-2023 biennium, the department shall have as a goal to:

(i) Conduct all work necessary to prepare and publish a draft SEIS;

(ii) Coordinate with regulatory agencies to begin the process of obtaining environmental approvals and permits;

(iii) Identify a locally preferred alternative; and

(iv) Begin preparing a final SEIS.

The department shall aim to provide progress reports on these activities to the governor and the transportation committees of the legislature by December 1, 2021, June 1, 2022, and December 1, 2022.

~~((13)) (12) (a) (((\$400,000,000))~~ ~~\$100,000,000~~ of the coronavirus state fiscal recovery fund—federal appropriation, ~~(((\$25,327,000))~~ ~~\$167,194,000~~ of the connecting Washington account—state appropriation, ~~\$35,263,000~~ of the motor vehicle account—federal appropriation, ~~\$45,112,000~~ of the move ahead WA account—federal appropriation, ~~\$5,618,000~~ of the motor vehicle account—local appropriation, ~~\$9,016,000~~ of the transportation partnership account—state appropriation, ~~\$38,021,000~~ of the move ahead WA account—state

appropriation, and \$149,776,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (OBI4001) with the intent of fully complying with the federal U.S. v. Washington court injunction by 2030.

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2021, and June 1, 2022.

(c) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(d) Of the amount provided in this subsection, \$142,923,000 of the motor vehicle account—federal appropriation reflects the department's portion of the unrestricted funds from the coronavirus response and relief supplemental appropriations act of 2021. If the final amount from this act changes while the legislature is not in session, the department shall follow the existing unanticipated receipt process and adjust the list referenced in subsection (1) of this section accordingly, supplanting state funds with federal funds if possible as directed in section 601, chapter 333, Laws of 2021.

~~((14) \$14,367,000))~~ (13) \$13,542,000 of the connecting Washington account—state appropriation ~~((\$311,000 of the motor vehicle account—state appropriation,))~~ and ~~((\$3,149,000))~~ \$4,285,000 of the motor vehicle account—private/local appropriation are provided solely for the I-90/Barker to Harvard - Improve Interchanges & Local Roads project (L2000122). The connecting Washington account appropriation for the improvements that fall within the city of Liberty Lake may only be expended if the city of Liberty Lake agrees to cover any project costs within the city of Liberty Lake above the \$20,900,000 of state appropriation provided for the total project on the list referenced in subsection (1) of this section.

~~((15) \$16,984,000))~~ (14) \$17,071,000 of the motor vehicle account—federal appropriation, ~~((\$269,000))~~ \$177,000 of the motor vehicle account—state appropriation, \$1,700,000 of the transportation partnership account—state appropriation, \$5,000 of the motor vehicle account—private/local appropriation, and ~~((\$17,900,000))~~ \$13,666,000 of the Interstate 405 and state route number 167 express toll lanes account—

state appropriation are provided solely for the SR 167/SR 410 to SR 18 - Congestion Management project (316706C).

~~((16) \$18,915,000))~~ (15) \$17,019,000 of the Special Category C account—state appropriation is provided solely for the SR 18 Widening - Issaquah/Hobart Rd to Raging River project (L1000199) for improving and widening state route number 18 to four lanes from Issaquah-Hobart Road to Raging River.

~~((17) \$2,500,000))~~ (16) \$500,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County transportation study. The study shall examine new, alternate routes for vehicular and truck traffic at the Harrison interchange (Exit 82) in North Centralia and shall allow for a site and configuration to be selected and feasibility to be conducted for final design, permitting, and construction of the I-5/North Lewis county Interchange project (L2000204). It is the intent of the legislature to advance future funding for this project to accelerate delivery by up to two years.

~~((18) \$1,237,000))~~ (17) \$148,000 of the motor vehicle account—state appropriation is provided solely for the US 101/East Sequim Corridor Improvements project (L2000343).

~~((19) \$2,197,000))~~ (18) \$873,000 of the motor vehicle account—state appropriation ~~((and \$749,000 of the connecting Washington account—state appropriation are))~~ is provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI).

~~((20) \$1,455,000))~~ (19) \$1,382,000 of the motor vehicle account—federal appropriation ~~((is))~~ and \$73,000 of the motor vehicle account—State appropriation are provided solely for the US 101/Morse Creek Safety Barrier project (L1000247).

~~((21) \$1,000,000))~~ (20) \$780,000 of the motor vehicle account—state appropriation is provided solely for the SR 162/410 Interchange Design and Right of Way project (L1000276).

~~((22) \$7,185,000))~~ (21) \$1,892,000 of the connecting Washington account—state appropriation ~~((is))~~, \$2,000 of the motor vehicle account—private/local appropriation, and \$7,000 of the motor vehicle account—state appropriation are provided solely for the US Hwy 2 Safety project (N00200R).

~~((23))~~ (22) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

~~((24))~~ (23) Any advisory group that the department convenes during the 2021-2023 fiscal biennium must consider the interests of the entire state of Washington.

~~((25))~~ (24) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To

accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70.95.805, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

Further, the legislature determines construction aggregate and recycled concrete materials substantially meet widely recognized international, national, and local standards and specifications referenced in American society for testing and materials, American concrete institute, Washington state department of transportation, Seattle department of transportation, American public works association, federal aviation administration, and federal highway administration specifications, and are described as necessary and desirable products for recycling and reuse by state and federal agencies.

As these recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, and are managed as an item of commercial value, construction aggregate and recycled concrete materials are exempt from chapter 173-350 WAC.

~~((26))~~ (25) \$2,738,000 of the motor vehicle account—state appropriation is provided solely for the US 97 Wildlife Crossing Improvements project (L2021117). It is the intent of the legislature that, to the extent possible, the department use this funding as match for competitive federal funding to make additional wildlife crossing improvements on the corridor. The department must report to the transportation committees of the legislature with additional corridors that could benefit from wildlife crossing improvements and that are likely to successfully compete for federal funding.

~~((27) \$12,635,000)~~ (26) \$2,830,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of \$78,910,000 for this project, including an increase of \$12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(a) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302;

(b) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools; and

(c) Intersections on the freight corridor are constructed at Romance Hill and Log Yard road.

~~((28) \$450,000 of the motor vehicle account—state appropriation is provided solely for the SR 900 Safety Improvements project (L2021118). The department must: (a) Work in collaboration with King county and Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along~~

~~SR 900; and (b) work with the Skyway coalition to lead community planning engagement and active transportation activities.~~

~~((29) \$5,694,000)~~ (27) \$3,686,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Chamber Way Interchange Vicinity Improvements project (L2000223).

~~((30) \$500,000)~~ (28) \$166,000 of the motor vehicle account—state appropriation is provided solely for SR 162/SR 161 Additional Connectivity in South Pierce County project (L1000312) to conduct a study on the need for additional connectivity in the area between SR 162, south of Military Road East and north of Orting, and SR 161 in South Pierce county.

(29) Except as otherwise provided in this section, the entire move ahead WA account—state appropriation is provided solely for the state highway projects and activities as listed in LEAP Transportation Document 2023-1 as developed March 29, 2023, Program - Highway Improvements Program (I).

(30) (a) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$2,435,000,000 for fish passage barrier removal with the intent of fully complying with the federal U.S. v. Washington court injunction by 2030. Furthermore, it is the intent of the legislature that appropriations for this purpose may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise fully complying with the court injunction by 2030.

(b) The department shall coordinate with the Brian Abbott fish passage barrier removal board and local governments to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts.

(31) \$3,000,000 of the move ahead WA—state appropriation is provided solely for the US 2 Trestle Capacity Improvements & Westbound Trestle Replacement project (L4000056). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$210,541,000 for planning, design, right-of-way acquisition, interim improvements, and initial construction. It is the further intent of the legislature that this project enhance multimodal mobility options on the US 2 Trestle. The planning, design and engineering work must consider options to enhance transit and multimodal mobility,

including bus rapid transit. The department must report to the legislature with its preliminary analysis of these options by June 30, 2023.

(32) It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide \$74,298,000 for the SR 3/Gorst Area - Widening project (L4000017). Tribal consultation with the Suquamish Tribe must begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses 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 state law, or by a 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 the Suquamish Tribe. Regularly scheduled tribal consultation meetings with the Suquamish Tribe must continue throughout the duration of any funding program and proposed project approval.

Sec. 907. 2022 c 186 s 306 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Recreational Vehicle Account—State Appropriation.	\$1,520,000
Transportation 2003 Account (Nickel Account)—State Appropriation.	\$53,911,000
Transportation Partnership Account—State Appropriation.	(\$21,441,000)
	\$23,038,000
Motor Vehicle Account—State Appropriation. (\$111,174,000)	\$121,099,000
Motor Vehicle Account—Federal Appropriation	(\$545,560,000)
	\$583,466,000
Motor Vehicle Account—Private/Local Appropriation.	(\$13,735,000)
	\$13,734,000
Connecting Washington Account—State Appropriation.	(\$224,342,000)
	\$112,845,000
State Route Number 520 Corridor Account—State Appropriation.	(\$2,143,000)
	\$812,000
Tacoma Narrows Toll Bridge Account—State Appropriation.	(\$5,676,000)
	\$3,578,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation.	(\$391,000)
	\$251,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. (\$12,830,000)	

\$9,216,000
TOTAL APPROPRIATION. . . . ~~(\$92,723,000)~~
\$923,470,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2022-1))2023-1~~ as developed March ~~((9, 2022))29, 2023~~, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 ~~((chapter 333, Laws of 2021))~~ of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ~~((2022-2))2023-2~~ ALL PROJECTS as developed March ~~((9, 2022))29, 2023~~, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities or fish passage barrier corrections (0BI4001) ~~((, as long as the application of the funds is not inconsistent with subsection (10) of this section))~~.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer ~~((funds))~~ appropriation authority between programs I and P, except for ~~((funds))~~ appropriation authority that ~~((are))~~ is otherwise restricted in this act. Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised. The department shall submit a report on fiscal year funds transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) \$8,531,000 of the connecting Washington account—state appropriation is provided solely for the land mobile radio upgrade (G2000055) and is subject to the conditions, limitations, and review provided in section 701, chapter 333, Laws of 2021. The land mobile radio project is subject to technical oversight by the office of the chief information officer. The department, in collaboration with the office of the chief information officer, shall identify where existing or proposed mobile radio technology investments should be consolidated, identify when existing or proposed mobile radio technology investments can be reused or leveraged to meet multiagency needs, increase mobile radio interoperability between agencies, and identify how redundant investments can be

reduced over time. The department shall also provide quarterly reports to the technology services board on project progress.

(5) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR 99/Alaskan Way viaduct replacement project (809936Z).

(6) \$11,679,000 of the motor vehicle account—federal appropriation is provided solely for preservation projects within project L1100071 that ensure the reliable movement of freight on the national highway freight system. The department shall give priority to those projects that can be advertised by September 30, 2021.

(7) The appropriation in this section includes funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(8) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

~~((9) \$1,700,000 of the motor vehicle account—state appropriation is provided solely for the SR 109/88 Corner Roadway project (C2000106).)~~

Sec. 908. 2022 c 186 s 307 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—TRAFFIC OPERATIONS—PROGRAM Q—CAPITAL

Motor Vehicle Account—State Appropriation. ~~(\$9,618,000)~~ \$9,473,000
Motor Vehicle Account—Federal Appropriation \$11,215,000
Motor Vehicle Account—Private/Local Appropriation. \$500,000
Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation. \$900,000
Move Ahead WA Account—State Appropriation.
\$611,000

TOTAL APPROPRIATION. ~~(\$22,233,000)~~

\$22,699,000

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

(1) ~~(\$579,000)~~ \$580,000 of the motor vehicle account—state appropriation is provided solely for the SR 99 Aurora Bridge ITS project (L2000338).

(2) \$1,001,000 of the motor vehicle account—state appropriation, \$611,000 of the move ahead WA account—state appropriation, and ~~(\$2,060,000)~~ \$2,018,000 of the motor vehicle account—federal appropriation are provided solely for the Challenge Seattle project (0000090). The department shall provide a progress report on this project to the transportation committees of the legislature by January 15, 2022.

Sec. 909. 2022 c 186 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Puget Sound Capital Construction Account—State
Appropriation. ~~(\$167,533,000)~~ \$143,776,000
Puget Sound Capital Construction Account—Federal
Appropriation. ~~(\$180,571,000)~~ \$154,634,000
Puget Sound Capital Construction Account—Private/Local Appropriation ~~(\$2,181,000)~~ \$1,844,000
Transportation Partnership Account—State
Appropriation. ~~(\$9,432,000)~~ \$3,759,000
Connecting Washington Account—State
Appropriation. ~~(\$99,141,000)~~ \$97,904,000
Capital Vessel Replacement Account—State
Appropriation. ~~(\$45,669,000)~~ \$5,769,000
~~((Motor Vehicle Account—State Appropriation \$1,000))~~
Transportation 2003 Account (Nickel Account)—State
Appropriation. \$987,000
TOTAL APPROPRIATION. ~~(\$505,514,000)~~ \$408,673,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ~~((2022-2))~~ 2023-2 ALL PROJECTS as developed March ~~((9, 2022))~~ 29, 2023, Program - Washington State Ferries Capital Program (W).

(2) For the 2021-2023 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in subsections (4), (5), (6), and (8) of this section including, but not limited to, the following:

(i) Anticipated cost increases and cost savings;

(ii) Anticipated cash flow and schedule changes; and

(iii) Explanations for the changes.

(b) On an annual basis the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following:

(i) What work has been done;

(ii) How have schedules shifted; and

(iii) Associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

(3) (~~(\$12,232,000)~~) \$19,940,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(4) (~~(\$2,385,000)~~) \$2,384,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ORCA card next generation project (L2000300). The ferry system shall work with Washington technology solutions and the tolling division on the development of a new, interoperable ticketing system.

(5) (~~(\$28,134,000)~~) \$3,656,000 of the Puget Sound capital construction account—state appropriation is provided solely for the conversion of up to two Jumbo Mark II vessels to electric hybrid propulsion (G2000084). The department shall seek additional funds for the purposes of this subsection. The department may spend from the Puget Sound capital construction account—state appropriation in this section only as much as the department receives in Volkswagen settlement funds for the purposes of this subsection.

(6) (~~(\$45,669,000)~~) \$5,769,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel (L2000329). In 2019 the legislature amended RCW 47.60.810 to direct the department to modify an existing vessel construction contract to provide for an additional five ferries. As such, it is the intent of the legislature that the department award the contract for the hybrid electric Olympic class vessel #5(L2000329) in a timely manner. In addition, the legislature intends to minimize costs and maximize construction efficiency by providing sufficient funding for construction of all five vessels, including funding for long lead time materials procured at the lowest possible prices. The commencement of construction of new vessels for the ferry system is important not only for safety reasons, but also to keep skilled marine construction jobs in the Puget Sound region and to sustain the capacity of the region to meet the ongoing construction and preservation needs of the ferry system fleet of vessels. The legislature has determined

that the current vessel procurement process must move forward with all due speed, balancing the interests of both the taxpayers and shipyards. To accomplish construction of vessels in accordance with RCW 47.60.810, the prevailing shipbuilder, for vessels initially funded after July 1, 2020, is encouraged to follow the historical practice of subcontracting the construction of ferry superstructures to a separate nonaffiliated contractor located within the Puget Sound region, that is qualified in accordance with RCW 47.60.690. If the department elects not to execute a new modification to an existing option contract for one or more additional 144-auto ferries under RCW 47.60.810(4), the department shall proceed with development of a new design-build request for proposals in accordance with RCW 47.60.810, 47.60.812, 47.60.814, 47.60.815, 47.60.816, 47.60.818, 47.60.820, 47.60.822, 47.60.824, and 47.60.8241. Of the amounts provided in this section, \$200,000 is provided solely for hiring an independent owner's representative to perform quality oversight, manage the change order process, and ensure contract compliance.

(7) (~~The capital vessel replacement account—state appropriation includes up to \$45,468,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.~~)

(8) (~~\$4,200,000~~) \$2,838,000 of the connecting Washington account—state appropriation is provided solely for ferry vessel and terminal preservation (L2000110). The funds provided in this subsection must be used for unplanned preservation needs before shifting funding from other preservation projects.

Sec. 910. 2022 c 186 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Essential Rail Assistance Account—State	
Appropriation.	\$1,108,000
Transportation Infrastructure Account—State	
Appropriation.	(\$6,218,000)
	<u>\$6,219,000</u>
Multimodal Transportation Account—State	
Appropriation.	(\$118,320,000)
	<u>\$57,518,000</u>
Multimodal Transportation Account—Federal	
Appropriation.	(\$6,567,000)
	<u>\$7,885,000</u>
Multimodal Transportation Account—Private/ Local	
Appropriation.	\$13,000
Motor Vehicle Account—State Appropriation.	
	\$1,810,000

TOTAL APPROPRIATION. . . . (~~(\$134,036,000)~~)
\$74,553,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2022-2)2023-2 ALL PROJECTS as developed March ((9, 2022)29, 2023, Program - Rail Program (Y).

(2) \$5,089,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued. FRIB program loans may be recommended by the department for 2022 supplemental transportation appropriations up to the amount provided in this appropriation that has not been provided for the projects listed in 2021-2 ALL PROJECTS, as referenced in subsection (1) of this section. The department shall submit a prioritized list for any loans recommended to the office of financial management and the transportation committees of the legislature by November 15, 2021.

(3) \$7,041,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(4) \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(5) (a) \$1,008,000 of the essential rail assistance account—state appropriation is provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues and transfers deposited into the essential rail assistance account from leases and sale of property relating to the Palouse river and Coulee City railroad;

(ii) Revenues from trackage rights agreement fees paid by shippers; and

(iii) Revenues and transfers transferred from the miscellaneous program account to

the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2022, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(7) ~~(\$32,996,000)~~ \$672,000 of the multimodal transportation account—state appropriation is provided solely for Passenger Rail Equipment Replacement (project 700010C). The appropriation in this subsection include insurance proceeds received by the state. The department must use these funds only to purchase replacement equipment that has been competitively procured and for service recovery needs and corrective actions related to the December 2017 derailment.

(8) It is the intent of the legislature to encourage the department to pursue federal grant opportunities leveraging up to \$6,696,000 in connecting Washington programmed funds to be used as a state match to improve the state-owned Palouse river and Coulee City system. The amount listed in this subsection is not a commitment for future legislatures, but is the legislature's intent that future legislatures will work to approve biennial appropriations up to a state match share not to exceed \$6,696,000 of a grant award.

(9) \$500,000 of the multimodal transportation account—state appropriation is provided solely for the Chelatchie Prairie railroad for track improvement activities on the northern part of the railroad (L1000311).

Sec. 911. 2022 c 186 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Highway Infrastructure Account—State Appropriation.	\$1,744,000
Highway Infrastructure Account—Federal Appropriation	\$2,935,000
Transportation Partnership Account—State Appropriation.	(\$1,000,000)
	\$500,000
Motor Vehicle Account—State Appropriation. (\$25,101,000)	\$21,481,000
Motor Vehicle Account—Federal Appropriation	(\$79,306,000)
	\$44,945,000
Motor Vehicle Account—Private/Local Appropriation.	\$6,600,000
Connecting Washington Account—State Appropriation.	(\$178,464,000)
	\$140,293,000
Multimodal Transportation Account—State Appropriation.	(\$96,975,000)
	\$62,362,000

Move Ahead WA Account—State Appropriation.	
<u>\$5,000,000</u>	
Move Ahead WA Flexible Account—State	
Appropriation.	\$3,000,000
Climate Active Transportation Account—State	
Appropriation.	\$12,182,000
TOTAL APPROPRIATION.	(\$392,125,000)
	<u>\$301,042,000</u>

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2022-2))2023-2 ALL PROJECTS as developed March ((9, 2022))29, 2023, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) (i) (~~(\$46,163,000)~~)\$29,870,000 of the multimodal transportation account—state appropriation is provided solely for pedestrian and bicycle safety program projects (L2000188).

(ii) The state route 99/Aurora Avenue North Planning Study funded in this subsection (2)(a) must prioritize designs that ensure slow vehicle speeds and systematic improvement to the quality of multimodal access, and must be fully completed by September 30, 2023, in order to ensure construction of improvements begin no later than March 1, 2024.

(b) (~~(\$26,086,000)~~)\$18,349,000 of the motor vehicle account—federal appropriation and (~~(\$21,656,000)~~)\$16,562,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2021, and December 1, 2022, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program. The report must include, but is not limited to, a list of projects selected and a brief description of each project's status. In its December 1, 2021, report the department must also include recommended changes to the pedestrian safety/safe routes to school grant program application and selection processes to increase utilization by a greater diversity of jurisdictions.

(4) (~~(\$11,987,000)~~)\$9,537,000 of the multimodal transportation account—state appropriation is provided solely for bicycle

and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) It is the expectation of the legislature that the department will be administering a local railroad crossing safety grant program for \$7,000,000 in federal funds during the 2021-2023 fiscal biennium.

(6) (~~(\$17,438,000)~~)\$16,438,000 of the motor vehicle account—federal appropriation is provided solely for national highway freight network projects identified on the project list submitted in accordance with section 218(4)(b), chapter 14, Laws of 2016 on October 31, 2016 (L1000169).

(7) When the department updates its federally-compliant freight plan, it shall consult the freight mobility strategic investment board on the freight plan update and on the investment plan component that describes how the estimated funding allocation for the national highway freight program for federal fiscal years 2022-2025 will be invested and matched. The investment plan component for the state portion of national highway freight program funds must first address shortfalls in funding for connecting Washington act projects. The department shall complete the freight plan update in compliance with federal requirements and deadlines and shall provide an update on the development of the freight plan, including the investment plan component, when submitting its 2022 supplemental appropriations request.

(8) (~~(\$35,411,000)~~)\$10,137,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will identify projects through its current national highway system asset management call for projects with applications due in February 2021. The department shall give priority to those projects that can be obligated by September 30, 2021.

(9) (~~(\$400,000)~~)\$300,000 of the multimodal transportation account—state appropriation is provided solely for a grant to the Northwest Seaport Alliance (NWSA) to lead the creation and coordination of a multistakeholder zero emissions truck collaborative that will: (a) Facilitate the development and implementation of one or more zero-emissions drayage truck demonstration projects in Washington state; and (b) develop a roadmap for transitioning the entire fleet of approximately 4,500 drayage trucks that serve the NWSA cargo gateway to zero-emissions vehicles by 2050 or sooner.

(10) (~~(\$8,524,000)~~)\$2,900,000 of the connecting Washington account—state appropriation is provided solely for the I-5/Mellen Street Connector project.

(11) (~~(\$500,000)~~)\$100,000 of the motor vehicle account—state appropriation is provided solely for the 166th/SR 410 Interchange.

(12) (~~(\$1,063,000)~~)\$263,000 of the motor vehicle account—state appropriation is provided solely for repairs and

rehabilitation of the Pierce county ferry landings at Anderson Island and Steilacoom.

(13) ~~(((\$300,000))~~\$150,000 of the motor vehicle account—state appropriation is provided solely for the city of Spokane for preliminary engineering of the US 195/Inland Empire Way project. Funds may be used for predesign environmental assessment work, community engagement, design, and project cost estimation.

(14) \$6,686,000 of the climate active transportation account—state appropriation is provided solely for newly selected safe routes to school grants.

(15) \$5,496,000 of the climate active transportation account—state appropriation is provided solely for newly selected pedestrian and bicycle grants.

(16) It is the intent of the legislature that up to \$14,000,000 will be provided for the Guemes Ferry Boat Replacement project (L4000124).

(17) \$3,000,000 of the move ahead WA flexible account—state appropriation is provided solely for railroad crossing grant awards which match federal funds for city and county projects which eliminate at-grade highway-rail crossings.

(18) It is the intent of the legislature that \$25,000,000 will be provided as part of the move ahead WA investment package in a future biennium, as indicated on the list identified in subsection (1) of this section, for the Ballard and Magnolia Bridge project (L4000123). As part of the project, the Seattle department of transportation (SDOT) must consult with an independent engineering firm to verify that the costs for the type, size, and location preliminary design report (TS&L), environmental impact statement (EIS), and 60 percent design work are within industry cost range standards in advance of moving forward with construction. SDOT must ensure that funds are maximized by limiting the percentage for TS&L, EIS, and 60 percent design work to 10 percent of the total cost of the project. Of the \$25,000,000, \$12,500,000 must remain in unallotted status, and may be distributed to SDOT only upon determination by the office of financial management that SDOT's cost estimates have been verified by an independent engineering firm as within industry cost range standards, and SDOT has secured the additional matching funding needed to complete the TS&L, EIS, and 60 percent design work.

(19)(a) It is the intent of the legislature, over the first five years of the move ahead WA program, that \$50,000,000 will be provided to SDOT to implement Aurora Avenue North Safety Improvements (L4000154). Under this program, SDOT will be required to implement strategic transportation investments for the Aurora Ave N Corridor from N 90th St to N 105th St that ensure slow vehicle speeds, walkability, multimodal mobility, safe routes to local schools, and safety for residents, which will demonstrate the benefits of similar transportation investments for other locations along Aurora Avenue and elsewhere. SDOT must convene a neighborhood oversight board consisting of residents of communities of the Aurora Ave N Corridor to prioritize investments and

monitor project implementation. The oversight board should be composed of an equitable representation of local communities along the Aurora Ave N Corridor, including residents with disabilities. SDOT will ensure that the oversight board is consulted on a bimonthly basis during the prioritization process.

(b) The legislature intends, upon completion of the State Route 99/Aurora Avenue North Planning Study, that projects recommended in the study will be funded by this program. A specific focus must be on access management to consolidate driveways and improve safety for vulnerable users. This work must also include installation of full curb and sidewalks to improve safety, mobility, transit ridership, equity, and work towards the goals set forth in vision zero, target zero, and the Washington state active transportation plan. SDOT must ensure the design and implementation of an accessible sidewalk network to support users with mobility limitations, convenient and accessible transit stops, all-ages-and-abilities bicycle facilities, and safe pedestrian-activated crosswalks that puts safety over speed, balances the needs of different modes, reduces the level of traffic stress experienced by pedestrians and cyclists, connects to existing bicycle and transit networks, creates safe walking and bicycling routes to local schools including crosswalks, improves human and environmental health, and supports the surrounding neighborhoods. SDOT must coordinate with the Washington state department of transportation and King county metro in implementing the investments. SDOT must ensure that funds are maximized by limiting the percentage for planning, predesign, design, permitting, and environmental review to 10 percent of the total cost of each project.

(c) The legislature intends that all Aurora Avenue North Safety Improvement projects funded in this program be completed by December 31, 2029, and that no funds may be expended for this purpose after this date.

(20) \$800,000 of the motor vehicle account—state appropriation is provided solely for the SR 109/88 Corner Roadway project (G2000106).

(21) The entire move ahead WA account—state appropriation is provided solely for the Move Ahead WA - Road and Highway Projects as listed in LEAP Transportation Document 2023-2 ALL PROJECTS as developed March 29, 2023.

(22) It is the intent of the legislature that \$150,000 of the motor vehicle account—state appropriation be reduced in the 2021-2023 fiscal biennium for the Washougal 32nd Underpass Design & Permitting process (L1000285) and reappropriated to the 2023-2025 fiscal biennium, and the LEAP transportation list referenced in subsection (1) of this section be updated accordingly.

(End of part)

TRANSFERS AND DISTRIBUTIONS

Sec. 1001. 2022 c 186 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State Appropriation. ((\$794,000)) \$273,000
((Connecting Washington Account—State Appropriation. \$1,633,000))
Special Category C Account—State Appropriation. ((\$257,000)) \$74,000
Highway Bond Retirement Account—State Appropriation. ((\$1,408,622,000)) \$1,406,513,000
Ferry Bond Retirement Account—State Appropriation. \$17,150,000
Transportation Improvement Board Bond Retirement Account—State Appropriation. ((\$18,152,000)) \$18,055,000
Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation. ((\$26,278,000)) \$29,238,000
Toll Facility Bond Retirement Account—State Appropriation. \$76,376,000
TOTAL APPROPRIATION... ((\$1,542,811,000)) \$1,547,679,000

The appropriations in this section are subject to the following conditions and limitations: \$6,451,550 of the transportation improvement board bond retirement account—state appropriation is provided solely for the prepayment of certain outstanding bonds and debt service.

Sec. 1002. 2022 c 186 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State Appropriation. ((\$150,000)) \$51,000
((Connecting Washington Account—State Appropriation. \$327,000))
Special Category C Account—State Appropriation. ((\$51,000)) \$18,000
Transportation Improvement Account—State Appropriation. \$20,000
TOTAL APPROPRIATION..... ((\$548,000)) \$89,000

Sec. 1003. 2022 c 186 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax statutory distributions to cities and counties. ((\$474,003,000)) \$467,037,000
Multimodal Transportation Account—State Appropriation: For distribution to cities and

counties. \$26,786,000
Motor Vehicle Account—State Appropriation: For distribution to cities and counties. \$23,438,000

Sec. 1004. 2022 c 186 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers. ((\$2,000,419,000)) \$1,971,401,000

Sec. 1005. 2022 c 186 s 405 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers. ((\$240,330,000)) \$264,160,000

Sec. 1006. 2023 c 2 s 2 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State. ((\$47,000,000)) \$52,000,000

(2) (a) Transportation Partnership Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State \$30,293,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(3) (a) Motor Vehicle Account—State Appropriation: For transfer to Alaskan Way Viaduct Replacement Project Account—State. \$6,000,000

(b) The funds provided in (a) of this subsection are a loan to the Alaskan Way viaduct replacement project account—state, and the legislature assumes that these funds will be reimbursed to the motor vehicle account—state at a later date when traffic on the toll facility has recovered from the COVID-19 pandemic.

(4) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State. \$7,666,000

(5) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State. \$5,511,000

(6) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State. ((\$9,331,000))

\$4,844,000

(7) Motor Vehicle Account—State
 Appropriation: For transfer to the Transportation Improvement Account—State. \$9,688,000

(8) Rural Mobility Grant Program Account—State
 Appropriation: For transfer to the Multimodal Transportation Account—State. . . \$3,000,000

(9) (a) State Route Number 520 Civil Penalties
 Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . \$2,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(10) State Route Number 520 Civil Penalties
 Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State. (~~(\$1,532,000)~~)
\$1,508,000

(11) Capital Vessel Replacement Account—State
 Appropriation: For transfer to the Connecting Washington Account—State. . . . \$35,000,000

(12) (a) Capital Vessel Replacement Account—State
 Appropriation: For transfer to the Transportation Partnership Account—State. . . . \$35,547,000

(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in the 2019-2021 biennium in RCW 47.10.873.

(13) Multimodal Transportation Account—State
 Appropriation: For transfer to the Complete Streets Grant Program Account—State. . . \$14,670,000

(14) Multimodal Transportation Account—State
 Appropriation: For transfer to the Connecting Washington Account—State. . . . \$200,000,000

(15) Multimodal Transportation Account—State
 Appropriation: For transfer to the Freight Mobility Multimodal Account—State. . . . \$4,011,000

(16) Multimodal Transportation Account—State
 Appropriation: For transfer to the Ignition Interlock Device Revolving Account—State. . . \$600,000

(17) Multimodal Transportation Account—State
 Appropriation: For transfer to the Pilotage Account—State. \$2,000,000

(18) Multimodal Transportation Account—State
 Appropriation: For transfer to the Puget Sound Capital Construction Account—State. (~~(\$816,700,000)~~)
\$190,000,000

(19) Multimodal Transportation Account—State

Appropriation: For transfer to the Regional Mobility Grant Program Account—State. . . \$27,679,000

(20) Multimodal Transportation Account—State
 Appropriation: For transfer to the Rural Mobility Grant Program Account—State. . . \$15,223,000

(21) (a) Alaskan Way Viaduct Replacement Project
 Account—State Appropriation: For transfer to the Transportation Partnership Account—State. \$22,884,000

(b) The amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(22) Tacoma Narrows Toll Bridge Account—State
 Appropriation: For transfer to the Motor Vehicle Account—State. \$950,000

(23) Puget Sound Ferry Operations Account—State
 Appropriation: For transfer to the Puget Sound Capital Construction Account—State. \$60,000,000

(24) (a) General Fund Account—State
 Appropriation: For transfer to the State Patrol Highway Account—State. \$625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207(2), chapter 333, Laws of 2021.

(25) (~~Motor Vehicle Account—State~~)
~~Appropriation: For transfer to the Puget Sound Capital Construction Account—State. \$30,000,000~~

~~(26))~~ Multimodal Transportation Account—State
 Appropriation: For transfer to the I-405 and SR 167 Express Toll Lanes Account—State \$268,433,000

~~((27))~~ (26) Multimodal Transportation Account—
 State Appropriation: For transfer to the Move Ahead WA Account—State. \$874,081,000

~~((28))~~ (27) Multimodal Transportation Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State \$70,786,000

~~((29) Motor Vehicle Account—State~~)
~~Appropriation: For transfer to the Connecting Washington Account—State. \$80,000,000~~

~~(30))~~ (28) Move Ahead WA Account—State
 Appropriation: For transfer to the Connecting Washington Account—State. (~~(\$600,000,000)~~)
\$510,000,000

~~((31))~~ (29) Transportation Improvement Account—State
 Appropriation: For transfer to the Transportation Improvement Board Bond Retirement Account. \$6,451,550

(30) Carbon Emissions Reduction Account—State

Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. . . \$600,000

The amount transferred in this subsection represents an estimate of fare replacement revenue to account for the implementation of 18 and under fare-free policies.

(31) (a) Multimodal Transportation Account—State Appropriation: For transfer to the Carbon Emissions Reduction Account—State. \$127,000,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of ensuring a positive account balance for the remainder of the 2021-2023 fiscal biennium. An equivalent reimbursing transfer is to occur in the 2023-2025 fiscal biennium.

(32) Motor Vehicle Account—State Appropriation: For transfer to the Move Ahead WA Account—State \$3,607,000

(33) Electric Vehicle Account—State Appropriation: For transfer to the Move Ahead WA Flexible Account—State. \$16,064,000

(34) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Active Transportation Account—State. \$15,182,000

(35) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Transit Programs Account—State. \$53,436,000

(36) Multimodal Transportation Account—State Appropriation: For transfer to the Capital Vessel Replacement Account—State. . . \$626,700,000

Sec. 1007. 2021 c 333 s 407 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Toll Facility Bond Retirement Account—Federal
Appropriation ((~~\$199,129,000~~))
\$199,040,000
Toll Facility Bond Retirement Account—State
Appropriation \$25,372,000
TOTAL APPROPRIATION. ((~~\$224,501,000~~))
\$224,412,000

(End of part)

MISCELLANEOUS 2021-2023 FISCAL BIENNIUM

NEW SECTION. Sec. 1101. A new section is added to 2022 c 186 (uncodified) to read as follows:

The appropriations to the department of transportation in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act must be expended for the programs and in the amounts specified in chapter 333, Laws of 2021, chapters 186 and 187, Laws of 2022, and this act. However, after May 1, 2023, unless specifically prohibited, the

department may transfer state appropriations authority for the 2021-2023 fiscal biennium among operating programs upon approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer appropriations authority, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature before approving any allotment modifications or transfers under this section.

NEW SECTION. Sec. 1102. The following acts or parts of acts are each repealed:

- (1) 2022 c 187 s 201 (uncodified);
- (2) 2022 c 187 s 202 (uncodified);
- (3) 2022 c 187 s 203 (uncodified);
- (4) 2022 c 187 s 204 (uncodified);
- (5) 2022 c 187 s 205 (uncodified);
- (6) 2022 c 187 s 206 (uncodified);
- (7) 2022 c 187 s 207 (uncodified);
- (8) 2022 c 187 s 208 (uncodified);
- (9) 2022 c 187 s 209 (uncodified);
- (10) 2022 c 187 s 210 (uncodified);
- (11) 2022 c 187 s 211 (uncodified);
- (12) 2022 c 187 s 301 (uncodified);
- (13) 2022 c 187 s 302 (uncodified);
- (14) 2022 c 187 s 303 (uncodified);
- (15) 2022 c 187 s 304 (uncodified);
- (16) 2022 c 187 s 305 (uncodified);
- (17) 2022 c 187 s 306 (uncodified);
- (18) 2022 c 187 s 307 (uncodified);
- (19) 2022 c 187 s 308 (uncodified); and
- (20) 2022 c 187 s 401 (uncodified).

(End of part)

MISCELLANEOUS

NEW SECTION. Sec. 1201. 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. 1202. 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."

(End of part)

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 43.19.642, 46.01.385, 46.20.745, 46.63.030, 46.68.063, 46.68.290, 46.68.300, 46.68.370, 46.68.395, 46.68.490, 46.68.500, 47.12.063, 47.56.870, 47.56.876, 47.60.322, 47.66.120, and 82.44.200; amending 2022 c 186 ss 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, and 405

(uncodified); amending 2021 c 333 ss 304 and 407 (uncodified); amending 2023 c 2 s 2 (uncodified); adding a new section to chapter 70A.535 RCW; adding a new section to 2022 c 186 (uncodified); creating new sections; repealing 2022 c 187 ss 201-211, 301-308, and 401 (uncodified); making appropriations and authorizing expenditures for capital improvements; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125 and asked the Senate for a conference thereon. The Speaker (Representative Bronoske presiding) appointed Representatives Fey, Barkis and Paul as conferees.

MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1044, with the following amendment(s): 1044-S AMS WM S2984.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to create a new grant program through which small, financially distressed school districts that generally do not participate in the current school construction assistance program will be able to get the necessary funds to modernize or rebuild their school buildings.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.525 RCW to read as follows:

(1) Supplementary modernization and new construction grants and planning grants for financially distressed school districts must be awarded and determined in accordance with this section.

(2) Applicant eligibility criteria. Subject to subsection (4) of this section, only school districts that meet the following criteria are eligible for grants under this section:

(a) School districts that have a student headcount enrollment of 1,000 or fewer students; or

(b) School districts that have a student headcount enrollment of 3,000 or fewer students that meet the following additional criteria:

(i) The school district is located in an educational service district with rural communities that experience prohibitive access to skill centers or other workforce development facilities or programs;

(ii) The school district has been unable to secure voter approval to issue bonds for capital purposes in the prior 25 years and has had at least three bond measures

rejected by voters in consecutive years during that 25-year period; and

(iii) The school district has instructional buildings that do not meet structural, capacity, environmental, or emergency requirements.

(3) Project eligibility criteria.

(a) Projects funded under this section must meet the following conditions: (i) Projects must comprehensively modernize or replace instructional buildings that are at least 30 years old and that are recorded as poor or unsatisfactory condition by the office of the superintendent of public instruction; and (ii) projects must not exceed 110 percent of the statewide average cost per square foot for new construction or modernization, as applicable, and as estimated by the advisory committee and approved by the office of the superintendent of public instruction.

(b) To meet the project eligibility criteria for comprehensive modernization specified under (a) of this subsection, projects must correct critical physical deficiencies and essential safety concerns, including: (i) Seismic vulnerabilities; (ii) failing or broken building and site systems; (iii) deficiencies of infrastructure and components; (iv) barriers to program accessibility; (v) deteriorated exterior conditions; and (vi) deficiencies in interior classroom spaces. Project approaches may include modernizing, repairing, reconfiguring, or replacing existing buildings, constructing new buildings, and upgrading deteriorated and outdated site infrastructure.

(c) School districts applying for a grant under this section must submit separate applications for each individual school.

(4) Other eligibility criteria. School districts with incomplete or outdated building inventories, natural hazard assessments, and condition information as required by the office of the superintendent of public instruction are not eligible to apply for construction grants under this section but may apply for planning grants. Building inventory and condition information must be provided by an independent consultant certified by the office of the superintendent of public instruction. A seismic building assessment must be conducted by an engineer licensed as a structural engineer in Washington state.

(5) Eligible use of grants. A grant awarded pursuant to this section may only be used for the following purposes: (a) The collection of the required information in subsection (4) of this section; (b) all pre-design and design costs including value engineering and constructability review; and (c) all related costs associated with the project except school district administration costs as determined by the office of the superintendent of public instruction.

(6) Required grant list.

(a) The superintendent of public instruction must propose a list of prioritized planning and construction grants pursuant to this section for school districts meeting the eligibility requirements established in subsection (2) of this section to the governor by September

1st of even-numbered years, beginning on September 1, 2024. This list must include: (i) A description of the proposed project; (ii) the proposed planning grant amount, when applicable; (iii) the proposed construction grant amount, when applicable; (iv) the anticipated school construction assistance program amount; (v) the anticipated local share of project cost; and (vi) the estimated total project cost.

(b) The superintendent of public instruction and the governor may determine the level of funding in their omnibus capital appropriations act requests to support grants under this section, but their funding requests must follow the prioritized list prepared by the advisory committee unless new information determines that a specific project is no longer viable as proposed.

(7) Planning grant requirements and prioritization. Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must assist eligible school districts that are interested in applying for a construction grant under this section by providing technical assistance and planning grants. School districts seeking planning grants under this section must provide a brief statement describing existing school conditions, building system and site deficiencies, current and five-year projected student headcount enrollment, student achievement measures, and financial constraints. If applications for planning grants exceed funds available, the office of the superintendent of public instruction may prioritize planning grant requests with primary consideration given to school district financial capacity and facility conditions.

(8) Construction grant requirements and prioritization.

(a) School districts applying for a construction grant under this section must have received and completed a planning grant under subsection (7) of this section or have completed construction documents including drawings, specifications, total project cost estimates, contract and procurement requirements, and other materials required by the advisory committee, as part of the construction grant application process.

(b) Subject to the availability of amounts appropriated for this specific purpose, the advisory committee must prioritize applications from school districts with the lowest remaining debt capacity, most significant building deficiencies, and lowest head count enrollment. The advisory committee may weigh these factors as appropriate given the pool of applicants and the extent each factor deviates from the statewide average.

(9) Eligibility and prioritization recommendations. The advisory committee may propose changes to the eligibility threshold and grant application prioritization criteria to the legislature as they learn more about the characteristics of school districts that are unable to replace or modernize their aging school facilities.

(10) Share of project costs. School districts receiving a grant under this

section must provide a district share in accordance with the following requirements:

(a) Except as provided for under (b) and (c) of this subsection, to receive a grant under this section a school district must provide, for each grant awarded, a district share of project cost equal to at least 50 percent of the district's remaining debt capacity pursuant to RCW 39.36.020.

(b) To the extent that the district share requirement under (a) of this subsection would, at the time of application, require the estimated school district property tax rate increment associated with the grant to exceed a threshold of \$1.75 per \$1,000 of assessed property value, the office of the superintendent of public instruction must reduce the required district share to achieve an estimated property tax rate equal to this threshold.

(c) A school district may use federal funding, other nonstate grant funding, and private donations to pay for its share under this subsection. When calculating a district's share requirement under (a) of this subsection, the superintendent of public instruction must reduce the district's required share in a manner directly proportionate to the amount of nonstate and nonschool district funding provided to support the state grant.

(d) To determine the property tax rate threshold under (b) of this subsection, the office of the superintendent of public instruction must calculate the property tax rate increment associated with the grant based on the estimated annualized debt service costs for general obligation bonds issued with an average maturity of no less than 20 years and the interest rate for state of Washington general obligation bonds issued most closely to the date of application for the grant.

(11) Coordination with the school construction assistance program and local cost share. To the extent that a school district awarded a grant under this section is also eligible for funding under the school construction assistance program provided by RCW 28A.525.162 through 28A.525.180, the office of the superintendent of public instruction must coordinate grant funding between the programs and ensure that total state funding from a grant under this section and a school construction assistance program grant does not exceed total project costs minus the school district's share calculated under subsection (10) of this section. School districts that receive grants under this section may use the grant to fund the required local funding equal to or greater than the difference between the total approved project cost and the amount of state funding assistance computed provided by RCW 28A.525.162 through 28A.525.180. However, school districts coordinating grants provided in this section with school construction assistance program funding are required to contribute not less than the school district's required share as calculated under subsection (10) of this section.

(12) Disbursement of grant funds and reporting requirements. The office of the superintendent of public instruction must

award grants under this section to school districts. The grants must not be awarded until the recipient has identified available local and other resources sufficient to complete the approved project considering the amount of state grant funding. The grant must specify reporting requirements for the district and must include:

(a) Updating all school inventory and condition data considered necessary by the office of the superintendent of public instruction;

(b) Submitting a final project report as specified by the office of the superintendent of public instruction in consultation with the advisory committee and approved by the school facilities citizen advisory panel created under RCW 28A.525.025; and

(c) Implementing and maintaining an asset preservation program for the facility receiving grant funding as required by the office of the superintendent of public instruction's asset preservation program.

(13) For the purposes of this section, "advisory committee" means the advisory committee created under RCW 28A.525.159.

Sec. 3. RCW 28A.525.159 and 2020 c 299 s 1 are each amended to read as follows:

(1) School construction assistance program grants for small school districts and state-tribal education compact schools must be determined in accordance with this section.

(2) Eligibility. School districts and state-tribal education compact schools with enrollments that are less than or equal to one thousand students are eligible for small school district modernization grants. The advisory committee specified in subsection (4)(a) of this section may recommend amendments to the eligibility threshold as they learn more about the characteristics of school districts and state-tribal education compact schools that are unable to modernize their aging school facilities. Districts with incomplete information in the inventory and condition of schools data system are not eligible to apply for construction grants but may apply for planning grants.

(3) The office of the superintendent of public instruction must assist eligible school districts and state-tribal education compact schools that are interested in applying for a small school district modernization grant under this section by providing technical assistance and planning grants within appropriations for this purpose. Districts and state-tribal education compact schools seeking planning grants must provide a brief statement of the school condition, its deficiencies, student enrollment, student achievement measures, and financial limitations of the district or state-tribal education compact school. If applications for planning grants exceed funds available, the office of the superintendent of public instruction may prioritize the recipients of planning grants in order to help districts and state-tribal education compact schools with the most serious apparent building deficiencies, and the most limited financial capacity.

(4) Prioritized construction grants and advisory committee.

(a) The superintendent of public instruction must propose a list of prioritized grants to the governor by September 1st of even-numbered years. The superintendent of public instruction must appoint an advisory committee to separately prioritize applications from small school districts and state-tribal education compact schools and from financially distressed school districts for grants under section 2 of this act. Committee members must have experience in financing, managing, repairing, and improving school facilities in small school districts or state-tribal education compact schools but must not be involved in ~~((a small school district modernization program))~~ grant request under this section or section 2 of this act for the biennium under consideration. The office of the superintendent of public instruction must provide administrative and staff support to the ~~((advisory))~~ advisory committee and coordinate activities to minimize costs to the extent practicable. The office of the superintendent of public instruction in consultation with the advisory committee must design a grant application process with specific criteria for prioritizing grant requests.

(b) The advisory committee created in (a) of this subsection must evaluate final applications from eligible school districts and state-tribal education compact schools. The advisory committee must submit a prioritized list of grants to the superintendent of public instruction. The list must prioritize applications to achieve the greatest improvement of school facilities, in the districts and state-tribal education compact schools with the most limited financial capacity, for projects that are likely to improve student health, safety, and academic performance for the largest number of students for the amount of state grant support. The advisory committee must develop specific criteria to achieve the prioritization. The submitted prioritized list must describe the project, the proposed state funding level, and the estimated total project cost including other funding and in-kind resources. The list must also indicate student achievement measures that will be used to evaluate the benefits of the project. The superintendent of public instruction and the governor may determine the level of funding in their omnibus capital appropriations act requests to support small school district modernization grants, but their funding requests must follow the prioritized list prepared by the advisory committee unless new information determines that a specific project is no longer viable as proposed.

(5) Coordination with the school construction assistance program.

(a) The full administrative and procedural process of school construction assistance program funding under RCW 28A.525.162 through 28A.525.180 may be streamlined by the office of the superintendent of public instruction in order to coordinate eligible school construction assistance program funding with the small school district modernization

grants. Such coordination must ensure that total state funding from both grants does not exceed total project costs minus available local resources.

(b) Projects seeking small school district modernization grants must meet the requirements for a school construction assistance program grant except for the following: (i) The estimated cost of the project may be less than forty percent of the estimated replacement value of the facility, and (ii) local funding assistance percentage requirements of the school construction assistance program do not apply. However, available district and state-tribal education compact school resources are considered in prioritizing small school district modernization grants.

(6) Disbursement of grant funds and reporting requirements. The office of the superintendent of public instruction must award grants to school districts and state-tribal education compact schools. The grant must not be awarded until the district or state-tribal education compact school has identified available local and other resources sufficient to complete the approved project considering the amount of the state grant. The grant must specify reporting requirements from the district or state-tribal education compact school, which must include updating all pertinent information in the inventory and condition of schools data system and submitting a final project report as specified by the office of the superintendent of public instruction in consultation with the school facilities ~~((citizens—[citizen]))~~ citizen advisory panel specified in RCW 28A.525.025.

Sec. 4. RCW 28A.515.320 and 1996 c 186 s 503 are each amended to read as follows:

(1) The common school construction fund is to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: ~~((4))~~ (a) Those proceeds derived from sale or appropriation of timber and other crops from school and state land other than those granted for specific purposes; ~~((2))~~ (b) the interest accruing on the permanent common school fund less the allocations to the state treasurer's service ~~((account—[fund]))~~ fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenue derived therefrom and from land and other property devoted to the permanent common school fund; ~~((3))~~ (c) all moneys received by the state from the United States under the provisions of section 191, Title 30, ~~((United States Code))~~ U.S.C., Annotated, and under section 810, chapter 12, Title 16, ~~((Conservation), ((United States Code))~~ U.S.C., Annotated, except moneys received before June 30, 2001, and when ~~((thirty))~~ 30 megawatts of geothermal power is certified as commercially available by the receiving utilities and the department of ~~((community, trade, and economic development))~~ commerce, ~~((eighty))~~ 80 percent of such moneys, under the Geothermal Steam Act of 1970 pursuant to former RCW 43.140.030; and ~~((4))~~ (d) such other

sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

(2) The interest accruing on the permanent common school fund less the allocations to the state treasurer's service fund pursuant to RCW 43.08.190 and the state investment board expense account pursuant to RCW 43.33A.160 together with all rentals and other revenues accruing thereto pursuant to subsection ~~((2))~~ (1)(b) of this section prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

(3) To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct. Any money from the common school construction fund which is made available for the current use of the common schools shall be restored to the fund by appropriation, including interest income ~~((foregone—[foregone]))~~ foregone, before the end of the next fiscal biennium following such use.

(4) Appropriations for the small school districts project prioritized list submitted under RCW 28A.525.159 are the first priority of appropriations from the common school construction fund, after payment of principal and interest on the bonds authorized in RCW 28A.527.040 from that portion of the common school construction fund derived from interest on the permanent common school fund. Appropriations from the common school construction fund must be prioritized as follows, as fund balance allows:

(a) Beginning with appropriations enacted for the 2025-2027 fiscal biennium, no less than \$60,000,000 of new appropriations in the biennial capital budget must be used to fund the small school districts project prioritized list, and any remaining amounts in the common school construction fund may be appropriated for other common school construction purposes.

(b) Beginning with appropriations enacted for the 2027-2029 fiscal biennium, no less than \$70,000,000 of new appropriations in the biennial capital budget must be used to fund the small school districts project prioritized list, and any remaining amounts in the common school construction fund may be appropriated for other common school construction purposes.

(c) Beginning with appropriations enacted for the 2029-2031 fiscal biennium and each biennium thereafter, no less than \$80,000,000 of new appropriations in the biennial capital budget must be used to fund the small school districts project prioritized list, and any remaining amounts in the common school construction fund may be appropriated for other common school construction purposes."

On page 1, line 2 of the title, after "challenges;" strike the remainder of the title and insert "amending RCW 28A.525.159 and 28A.515.320; adding a new section to chapter 28A.525 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1044 and asked the Senate to recede therefrom.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1084
 SUBSTITUTE HOUSE BILL NO. 1132
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175
 SECOND SUBSTITUTE HOUSE BILL NO. 1176
 HOUSE BILL NO. 1221
 HOUSE BILL NO. 1230
 HOUSE BILL NO. 1232
 SECOND SUBSTITUTE HOUSE BILL NO. 1322
 HOUSE BILL NO. 1407
 SUBSTITUTE HOUSE BILL NO. 1435
 SECOND SUBSTITUTE HOUSE BILL NO. 1477
 HOUSE BILL NO. 1512
 HOUSE BILL NO. 1536
 HOUSE BILL NO. 1552
 SUBSTITUTE HOUSE BILL NO. 1570
 HOUSE BILL NO. 1575
 SECOND SUBSTITUTE HOUSE BILL NO. 1580
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678
 HOUSE BILL NO. 1684
 HOUSE BILL NO. 1742
 SUBSTITUTE HOUSE BILL NO. 1753
 HOUSE BILL NO. 1772
 SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4001
 HOUSE BILL NO. 1008
 HOUSE BILL NO. 1055
 HOUSE BILL NO. 1128
 HOUSE BILL NO. 1197
 HOUSE BILL NO. 1218
 SUBSTITUTE HOUSE BILL NO. 1234
 SUBSTITUTE HOUSE BILL NO. 1236
 SUBSTITUTE HOUSE BILL NO. 1247
 HOUSE BILL NO. 1262
 HOUSE BILL NO. 1416
 SECOND SUBSTITUTE HOUSE BILL NO. 1452
 SUBSTITUTE HOUSE BILL NO. 1457
 HOUSE BILL NO. 1563
 HOUSE BILL NO. 1626
 HOUSE BILL NO. 1679
 HOUSE BILL NO. 1695
 HOUSE BILL NO. 1750
 SECOND SUBSTITUTE SENATE BILL NO. 5046
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5124
 SUBSTITUTE SENATE BILL NO. 5127
 SUBSTITUTE SENATE BILL NO. 5145
 SENATE BILL NO. 5155
 SECOND SUBSTITUTE SENATE BILL NO. 5225
 SUBSTITUTE SENATE BILL NO. 5261
 ENGROSSED SENATE BILL NO. 5341
 SUBSTITUTE SENATE BILL NO. 5353
 SUBSTITUTE SENATE BILL NO. 5374
 SUBSTITUTE SENATE BILL NO. 5381
 SUBSTITUTE SENATE BILL NO. 5433
 SENATE BILL NO. 5457

SENATE BILL NO. 5459
 ENGROSSED SENATE BILL NO. 5534
 SENATE BILL NO. 5550
 SUBSTITUTE SENATE BILL NO. 5561
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5634

The Speaker called upon Representative Orwall to preside.

MESSAGE FROM THE SENATE

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1047, with the following amendment(s): 1047-S AMS WM S2989.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that certain chemicals used in cosmetic products are linked to harmful impacts on health, such as cancer, birth defects, damage to the reproductive system, organ system toxicity, and endocrine disruption. Many of these chemicals have been identified by the state of Washington as high priority chemicals of concern.

(2) In order to ensure the safety of cosmetic products and protect Washington residents from toxic exposures, the legislature intends to prohibit use of toxic chemicals found in cosmetic and personal care products and join other jurisdictions in creating a safer global standard for cosmetic products and bringing more sustainable, safer ingredients to the marketplace.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cosmetic product" has the same meaning as the term "cosmetic" as defined in RCW 69.04.011.

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

(3) "Manufacturer" has the same meaning as defined in RCW 70A.350.010.

(4) "Ortho-phthalates" means esters of ortho-phthalic acid.

(5) "Perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as defined in RCW 70A.350.010.

(6) "Small business" has the same meaning as defined in RCW 70A.500.020.

(7) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains any of the following intentionally added chemicals or chemical classes:

(a) Ortho-phthalates;
 (b) Perfluoroalkyl and polyfluoroalkyl substances;

(c) Formaldehyde (CAS 50-00-0) and chemicals determined by the department to release formaldehyde;

(d) Methylene glycol (CAS 463-57-0);

(e) Mercury and mercury compounds (CAS 7439-97-6);

(f) Triclosan (CAS 3380-34-5);

(g) m-phenylenediamine and its salts (CAS 108-45-2); and

(h) o-phenylenediamine and its salts (CAS 95-54-5).

(2) Except as provided in subsection (3) of this section, beginning January 1, 2025, no person may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state any cosmetic product that contains intentionally added lead or lead compounds (CAS 7439-92-1), lead or lead compounds at one part per million (ppm) or above, or as otherwise determined by the department through rule making.

(3) An in-state retailer in possession of cosmetic products on the date that restrictions on the sale of the products takes effect under this section may exhaust its existing stock through sales to the public until January 1, 2026.

(4) By June 1, 2024, the department, in consultation with the department of health, must use existing information to identify and assess the hazards of chemicals or chemical classes that can provide the same or similar function in cosmetic products as the chemicals or chemical classes listed in subsection (1) of this section and that can impact vulnerable populations. The department must make the information publicly available.

(5)(a) By May 2024, the department shall implement an initiative to support small businesses that manufacture cosmetic products in efforts to obtain voluntary environmental health certifications for cosmetics implemented by the United States environmental protection agency or other programs, as determined by the department, that are designed to identify cosmetic products that do not contain identified hazards consistent with processes used to identify safer alternatives under chapter 70A.350 RCW.

(b) The initiative may include, but is not limited to, providing:

(i) Technical assistance and support;

(ii) Resources for chemical hazard assessments; and

(iii) Resources for reformulating products.

(6)(a) By May 2024, the department shall implement an initiative to support independent cosmetologists and small businesses that provide cosmetology services, such as beauty salons, in efforts to transition to using safer cosmetic products.

(b) The initiative may include, but is not limited to, providing:

(i) Technical assistance and support;

(ii) Resources for identifying safer cosmetic products; and

(iii) Resources for financial incentives to eligible participants to replace cosmetic products containing toxic chemicals, disposal programs, and the use of safer products.

(7)(a) For the purposes of this section, cosmetic products do not include prescription drugs approved by the United States food and drug administration.

(b) The chemicals in subsection (1) of this section are restricted in cosmetics regardless of whether the product also contains drug ingredients regulated by the United States food and drug administration. For purposes of this section, ingredients regulated as drugs by the United States food and drug administration are not subject to the restrictions established in this section.

NEW SECTION.

Sec. 4.

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

(2)(a) The department's determinations of chemicals that release formaldehyde must be adopted by rule. The department must identify a list of chemicals used in cosmetics that release formaldehyde that may be subject to restriction under this chapter. In establishing this list, the department should consider:

(i) Estimated prevalence of use;

(ii) Potential to reduce disproportionate exposure; and

(iii) Other information deemed relevant by the department.

(b) The department may identify for restriction an initial set of no more than 10 of the listed chemicals used in cosmetics that release formaldehyde. This restriction must take effect on or after January 1, 2026.

(c) Restrictions on the remaining listed chemicals used in cosmetics that release formaldehyde may take effect on or after January 1, 2027.

(d) The department may, but is not required to, conduct additional rule-making activities after January 1, 2027, including developing supplemental lists of chemicals that release formaldehyde and adopting additional restrictions.

(3) Prior to commencing rule making under this chapter, the department must engage with relevant stakeholders to ensure the availability of adequate expertise and input. The stakeholder process should include, but is not limited to, soliciting input from representatives from independent cosmetologists, small businesses offering cosmetology services, such as beauty salons, and small manufacturers of cosmetic products. The input received from stakeholders must be considered when adopting rules.

(4) A manufacturer that produces a product or imports or domestically distributes a product in or into Washington in violation of a requirement of this chapter, a rule adopted under this chapter, or an order issued under this chapter, is subject to a civil penalty not to exceed \$5,000 for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense.

(5) Any penalty provided for in this section, and any order issued by the department under this chapter, may be

appealed to the pollution control hearings board.

(6) All penalties collected under this chapter shall be deposited in the model toxics control operating account created in RCW 70A.305.180.

Sec. 5. RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 3 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, section 3 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law

must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

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

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

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

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 6. RCW 43.21B.300 and 2022 c 180 s 813 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 3 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within 30 days after the notice is received,

the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority 30 days after the date of receipt by the person penalized of the notice imposing the penalty or 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090 and section 3 of this act, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited

to the underground storage tank account created by RCW 70A.355.090.

NEW SECTION. **Sec. 7.** This chapter may be known and cited as the toxic-free cosmetics act.

NEW SECTION. **Sec. 8.** Sections 1 through 4 and 7 of this act constitute a new chapter in Title 70A RCW."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1047 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Dye spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1047, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1047, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, 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, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1047, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1112, with the following amendment(s): 1112 AMS FRAM MCKI 193

On page 18, after line 21, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.59 RCW to read as follows:

Subject to funds appropriated for this purpose, the Washington traffic safety commission shall produce and disseminate through all possible media, informational and educational materials explaining the penalties of the crime of negligent driving with a vulnerable user victim in the first degree."

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

On page 18, line 22, after "January 1," strike "2024" and insert "2025"

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1112 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1112, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1112, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1112, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173, with the following amendment(s): 1173-S.E AMS ENGR S2922.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aircraft detection lighting system" means a sensor-based system that:

(a) Is designed to detect approaching aircraft;

(b) Automatically activates appropriate obstruction lights until the lights are no longer needed by the aircraft; and

(c) The federal aviation administration has approved as meeting the requirements set forth in chapter 10 of the federal aviation administration's 2020 advisory circular AC 70/7460-1M, "Obstruction marking and lighting."

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

(3) "Hub height" means the distance from the ground to the middle of a wind turbine's rotor.

(4) "Light-mitigating technology system" means aircraft detection lighting or another federal aviation administration-approved system capable of reducing the impact of aviation obstruction lighting while maintaining conspicuity sufficient to assist aircraft in identifying and avoiding collision with a utility-scale wind energy facility.

(5) "Repowering" means a rebuild or refurbishment of a turbine or facility that is required due to the turbine or facility reaching the end of its useful life or useful reasonable economic life. The rebuild or refurbishment does not constitute repowering if it is part of routine major maintenance or the maintenance of or replacement of equipment that does not materially affect the expected physical or economical life of the turbine or facility.

(6) "Utility-scale wind energy facility" means a facility used in the generation of electricity by means of turbines or other devices that capture and employ the kinetic energy of the wind and:

(a) Is required under federal aviation administration regulations, guidelines, circulars, or standards, as they existed as of January 1, 2023, to have obstruction lights; or

(b) Has at least one obstruction light and at least one wind turbine with a hub height of at least 75 feet above ground level.

NEW SECTION. Sec. 2. (1) Except as provided in section 3 of this act, beginning July 1, 2023, no new utility-scale wind energy facility with five or more turbines shall commence operations unless the developer, owner, or operator of the facility applies to the federal aviation administration for installation of a light-mitigating technology system that complies with federal aviation administration

regulations, as they existed as of the effective date of this section. If approved by the federal aviation administration, the developer, owner, or operator of such utility-scale wind energy facility shall install the light-mitigating technology system on approved turbines within 24 months after receipt of such approval. If not approved by the federal aviation administration, the developer, owner, or operator of such utility-scale wind energy facility is not subject to this chapter.

(2) Except as provided in section 3 of this act, beginning January 1, 2028, or upon the completion of repowering, whichever is earlier, any developer, owner, or operator of a utility-scale wind energy facility with five or more turbines that has commenced operations without an aircraft detection lighting system shall apply to the federal aviation administration for installation and operation of a light-mitigating technology system that achieves comparable light mitigation outcomes to an aircraft detection lighting system and that complies with federal aviation administration regulations, as they existed as of the effective date of this section. If approved by the federal aviation administration, the developer, owner, or operator of such utility-scale wind energy facility shall install the light-mitigating technology system on approved turbines within 24 months following such approval. If not approved by the federal aviation administration, the developer, owner, or operator of such utility-scale wind energy facility is not subject to this chapter.

(3) A developer, owner, or operator of a utility-scale wind energy facility shall comply with any wind energy ordinance adopted by a legislative authority of a county pursuant to section 3 of this act.

(4) Nothing in this section requires mitigation of light pollution to be carried out in a manner that conflicts with federal requirements, including requirements of the federal aviation administration or the United States department of defense.

NEW SECTION. Sec. 3. A new section is added to chapter 36.01 RCW to read as follows:

(1) A legislative authority of any county may adopt a wind energy ordinance that includes specifications for aviation obstruction light-mitigating technology systems. In adopting an ordinance under this section, the county legislative authority shall consider whether affected wind energy facilities have caused, or will cause, light impacts requiring mitigation. Additional criteria related to the selection of light-mitigating technology systems may include the costs associated with the installation of such a system, the economic impact to a developer, owner, or operator of the installation of such a system, conditions under which light mitigation is required, and the type of system that best serves the public interest of the county. Nothing in this section authorizes a county to deny a permit application for a wind energy facility where the use of a light-mitigating technology system is not allowed by the

federal aviation administration, United States department of defense, or if it is determined by the county to be impracticable.

(2) The definitions in section 1 of this act apply throughout this section unless the context clearly requires otherwise.

NEW SECTION. Sec. 4. (1) A violation of the requirements of this chapter is punishable by a civil penalty of up to \$5,000 per day per violation. Penalties are appealable to the pollution control hearings board.

(2)(a) The department may enforce the requirements of this chapter.

(b) Enforcement of this chapter by the department must rely on notification and information exchange between the department and utility-scale wind energy facility owners or operators. The department must prepare and distribute information regarding this chapter to utility-scale wind energy facility owners and operators to help facility owners and operators in their advance planning to meet the deadlines.

(c)(i) If the department obtains information that a facility is not in compliance with the requirements of this chapter, the department may issue a notification letter by certified mail to the facility owner or operator and offer information or other appropriate assistance regarding compliance with this chapter. If compliance is not achieved within 60 days of the issuance of a notification letter under this subsection, the department may assess penalties under this section.

(ii) The department may delay any combination of the issuance of a notification letter under this subsection (2)(c), the 60-day period in which compliance with the requirements of this chapter must be achieved, or the imposition of penalties for good cause shown due to:

- (A) Supply chain constraints, including lack of light-mitigating technology system availability;
- (B) Lack of contractor availability;
- (C) Lighting system permitting delays; or
- (D) Technological feasibility considerations.

(3) A utility-scale wind energy facility owner or operator of a facility that has commenced operations prior to January 1, 2023, that applies for the approval of a light-mitigating technology system to the federal aviation administration prior to January 1, 2027, but that has not received a determination to approve the system by the federal aviation administration as of July 1, 2027, may not be assessed a penalty under this chapter until at least 24 months after the federal aviation administration issues its determination on the application of the utility-scale wind energy facility's proposed light-mitigating technology system.

(4) The department may adopt by rule a light mitigation standard that references a more recent version of any federal requirements referenced in section 2 of this act in order to maintain consistency between this chapter and federal aviation administration requirements.

Sec. 5. RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 4 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

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

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

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

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

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

(1) Actions to mitigate light pollution at a utility-scale wind energy facility as required under section 2 of this act, are categorically exempt from the requirements of this chapter.

(2) For the purposes of this section, "utility-scale wind energy facility" has the same meaning as defined in section 1 of this act.

NEW SECTION. Sec. 7. Sections 1, 2, and 4 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of

the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "infrastructure;" strike the remainder of the title and insert "amending RCW 43.21B.110; adding a new section to chapter 36.01 RCW; adding a new section to chapter 43.21C RCW; adding a new chapter to Title 70A RCW; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173 and advanced the bill, as amended by the Senate, to final passage.

Representatives Connors and Doglio spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1173, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1173, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chöpp, Christian, Connors, Cory, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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

Voting Nay: Representative Kloba

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, with the following amendment(s): 1216-S2.E AMS ENGR S2963.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. STATEMENT OF LEGISLATIVE INTENT. (1) The legislature finds that efficient and effective siting and permitting of new clean energy projects throughout Washington is necessary to: Fight climate change and achieve the state's greenhouse gas emission limits; improve air quality; grow family-wage clean energy jobs and innovative clean energy businesses that provide economic benefits across the state; and make available secure domestic sources of the clean energy products needed to transition off fossil fuels.

(2) The legislature intends to: Enable more efficient and effective siting and permitting of clean energy projects with policies and investments that protect the environment, overburdened communities, and tribal rights, interests, and resources, including cultural resources; bring benefits to the communities that host clean energy projects; and facilitate the rapid transition to clean energy that is required to avoid the worst impacts of climate change on Washington's people and places. There is no single solution for improved siting and permitting processes. Rather, a variety of efforts and investments will help bring together state, local, tribal, and federal governments, communities, workers, clean energy project developers, and others to succeed in this essential task. The legislature intends to make biennial appropriations to support tribal review of clean energy project proposals, permit applications, and environmental reviews, as well as tribal participation in up-front planning for clean energy projects, such as nonproject environmental impact statements for clean energy projects as described in this act.

(3) Efficient and effective siting and permitting will benefit from early and meaningful community and tribal engagement, and from up-front planning including identification of areas of higher and lower levels of impact, and nonproject environmental review that identifies measures to avoid, minimize, and mitigate project impacts.

(4) Incorporating the principles and strategies identified in subsections (1), (2), and (3) of this section, the legislature intends to invest in, facilitate, and require better coordinated, faster environmental review and permitting decisions by state and local governments.

(5) Therefore, it is the intent of the legislature to support efficient, effective siting and permitting of clean energy projects through a variety of interventions, including:

(a) Establishing an interagency clean energy siting coordinating council to improve siting and permitting of clean energy projects;

(b) Creating a designation for clean energy projects of statewide significance;

(c) Creating a fully coordinated permit process for clean energy projects;

(d) Improving processes for review of clean energy projects under the state environmental policy act;

(e) Requiring preparation of separate nonproject environmental impact statements for green electrolytic and renewable

hydrogen projects and colocated battery energy storage facilities, onshore utility-scale wind energy projects and colocated battery energy storage facilities, and for solar energy projects and colocated battery energy storage facilities, with the goal of preparing these nonproject reviews by June 30, 2025; and

(f) Requiring the Washington State University energy program to complete by June 30, 2025, a siting information process for pumped storage projects in Washington.

**PART 1
INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL**

NEW SECTION. **Sec. 101.** INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL.

(1) The interagency clean energy siting coordinating council is created. The coordinating council is cochaired by the department of commerce and the department of ecology with participation from the following:

- (a) The office of the governor;
 - (b) The energy facility site evaluation council;
 - (c) The department of fish and wildlife;
 - (d) The department of agriculture;
 - (e) The governor's office of Indian affairs;
 - (f) The department of archaeology and historic preservation;
 - (g) The department of natural resources;
 - (h) The department of transportation;
 - (i) The utilities and transportation commission;
 - (j) The governor's office for regulatory innovation and assistance;
 - (k) Staff from the environmental justice council; and
 - (l) Other state and federal agencies invited by the department of commerce and the department of ecology with key roles in siting clean energy to participate on an ongoing or ad hoc basis.
- (2) The department of commerce and department of ecology shall assign staff in each agency to lead the coordinating council's work and provide ongoing updates to the governor and appropriate committees of the legislature, including those with jurisdiction over the environment, energy, or economic development policy.

(3) For purposes of this section and section 102 of this act, "coordinating council" means the interagency clean energy siting coordinating council created in this section.

NEW SECTION. **Sec. 102.** INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL DUTIES. (1) The responsibilities of the coordinating council include, but are not limited to:

(a) Identifying actions to improve siting and permitting of clean energy projects as defined in section 201 of this act, including through review of the recommendations of the department of ecology and department of commerce's 2022 *Low Carbon Energy Facility Siting Improvement Report*, creating implementation plans and timelines,

and making recommendations for needed funding or policy changes;

(b) Tracking federal government efforts to improve clean energy project siting and permitting, including potential federal funding sources, and identifying state agency actions to improve coordination across state, local, and federal processes or to pursue supportive funding;

(c) Conducting outreach to parties with interests in clean energy siting and permitting for ongoing input on how to improve state agency processes and actions;

(d) Establishing work groups as needed to focus on specific energy types such as solar, wind, battery storage, or emerging technologies, or specific geographies for clean energy project siting;

(e) The creation of advisory committees deemed necessary to inform the development of items identified in (a) through (d) of this subsection;

(f) Supporting the governor's office of Indian affairs in creating and updating annually, or when requested by a federally recognized Indian tribe, a list of contacts at federally recognized Indian tribes, applicable tribal laws on consultation from federally recognized Indian tribes, and tribal preferences regarding outreach about clean energy project siting and permitting, such as outreach by developers directly, by state government in the government-to-government relationship, or both;

(g) Supporting the department of archaeology and historic preservation, the governor's office of Indian affairs, the department of commerce, and the energy facility site evaluation council in developing and providing to clean energy project developers a training on consultation and engagement processes for federally recognized Indian tribes. The governor's office of Indian affairs must collaborate with federally recognized Indian tribes in the development of the training;

(h) Supporting the department of archaeology and historic preservation in updating the statewide predictive archaeological model to provide clean energy project developers information about where archaeological resources are likely to be found and the potential need for archaeological investigations; and

(i) Supporting and promptly providing information to the department of ecology in support of the nonproject reviews required under section 303 of this act.

(2) The coordinating council shall provide an annual report beginning October 1, 2024, to the governor and the appropriate committees of the legislature summarizing: Progress on efficient, effective, and responsible siting and permitting of clean energy projects; areas of additional work, including where clean energy project siting and permitting outcomes are not broadly recognized as efficient, effective, or responsible; resource needs; recommendations for future nonproject environmental impact statements for categories of clean energy projects; and any needed policy changes to help achieve the deployment of clean energy necessary to meet the state's statutory greenhouse gas emissions limits, chapter 70A.45 RCW, and the clean energy

transformation act requirements, chapter 19.405 RCW, and to support achieving the state energy strategy adopted by the department of commerce.

(3) The coordinating council shall:

(a) Advise the department of commerce in:

(i) Contracting with an external, independent third party to:

(A) Carry out an evaluation of state agency siting and permitting processes for clean energy projects and related federal and state regulatory requirements, including the energy facility site evaluation council permitting process authorized in chapter 80.50 RCW;

(B) Identify successful models used in other states for the siting and permitting of projects similar to clean energy projects, including local and state government programs to prepare build ready clean energy sites; and

(C) Develop recommendations for improving these processes, including potential policy changes and funding, with the goal of more efficient, effective siting of clean energy projects; and

(ii) Reporting on the evaluation and recommendations in (a)(i) of this subsection to the governor and the legislature by July 1, 2024;

(b) Pursue development of a consolidated clean energy application similar to the joint aquatic resources permit application for, at a minimum, state permits needed for clean energy projects. The department of ecology shall lead this effort and engage with federal agencies and local governments to explore inclusion of federal and local permit applications as part of the consolidated application. The department may design a single consolidated application for multiple clean energy project types, may design separate applications for individual clean energy technologies, or may design an application for related resources. The department of ecology shall provide an update on its development of consolidated permit applications for clean energy projects to the governor and legislature by December 31, 2024. The consolidated permit application process must be available, but not required, for clean energy projects;

(c) Explore development of a consolidated permit for clean energy projects. The department of ecology shall lead this effort and, in consultation with federally recognized Indian tribes, explore options including a clean energy project permit that consolidates department of ecology permits only, or that consolidates permits from multiple state and local agencies. The permit structure must identify criteria or conditions that must be met for projects to use the consolidated permit. The department of ecology may analyze criteria or conditions as part of a nonproject review under chapter 43.21C RCW. The department of ecology shall update the legislature on its evaluation of consolidated permit options and make recommendations by October 1, 2024;

(d) Determine priorities for categories of clean energy projects to be the focus of new nonproject environmental impact statements under chapter 43.21C RCW for the legislature to fund subsequent to the

nonproject environmental impact statements specified in section 302 of this act; and

(e) Consider and provide recommendations to the legislature on additional benefits that could be provided to projects designated as clean energy projects of statewide significance under section 203 of this act.

**PART 2
CLEAN ENERGY PROJECTS OF STATEWIDE
SIGNIFICANCE AND CLEAN ENERGY COORDINATED
PERMITTING PROCESS**

NEW SECTION. **Sec. 201.** DEFINITIONS.

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

(1) "Alternative energy resource" has the same meaning as defined in RCW 80.50.020.

(2) "Alternative jet fuel" means a fuel that can be blended and used with conventional petroleum jet fuels without the need to modify aircraft engines and existing fuel distribution infrastructure and that meets the greenhouse gas emissions reduction requirements that apply to biomass-derived fuels as defined in RCW 70A.65.010. "Alternative jet fuel" includes jet fuels derived from coprocessed feedstocks at a conventional petroleum refinery.

(3) "Applicant" means a person applying to the department of commerce for designation of a development project as a clean energy project of statewide significance under this chapter.

(4)(a) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting a clean energy project with the existing energy supply, processing, or distribution system including, but not limited to, battery energy storage communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary storage and transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a clean energy project to the northwest power grid.

(b) Common carrier railroads or motor vehicles are not associated facilities.

(5) "Clean energy product manufacturing facility" means a facility or a project at any facility that exclusively or primarily manufactures the following products or components primarily used by such products:

(a) Vehicles, vessels, and other modes of transportation that emit no exhaust gas from the onboard source of power, other than water vapor;

(b) Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles that emit no exhaust gas from the onboard source of power, other than water vapor;

(c) Renewable or green electrolytic hydrogen, including preparing renewable or green electrolytic hydrogen for distribution

as an energy carrier or manufacturing feedstock, or converting it to a green hydrogen carrier;

(d) Equipment and products used to produce energy from alternative energy resources;

(e) Equipment and products used to produce nonemitting electric generation as defined in RCW 19.405.020;

(f) Equipment and products used at storage facilities;

(g) Equipment and products used to improve energy efficiency;

(h) Semiconductors or semiconductor materials as defined in RCW 82.04.2404; and

(i) Projects or facility upgrades undertaken by emissions-intensive, trade-exposed industries as classified in RCW 70A.65.110 for which the facility can demonstrate expected reductions in overall facility greenhouse gas emissions to align with the cap trajectory under chapter 70A.65 RCW, where the project does not degrade local air quality.

(6) "Clean energy project" means the following facilities together with their associated facilities:

(a) Clean energy product manufacturing facilities;

(b) Electrical transmission facilities;

(c) Facilities to produce nonemitting electric generation or electric generation from renewable resources, as defined in RCW 19.405.020, except for:

(i) Hydroelectric generation that includes new diversions, new impoundments, new bypass reaches, or the expansion of existing reservoirs constructed after May 7, 2019, unless the diversions, bypass reaches, or reservoir expansions are necessary for the operation of a pumped storage facility that: (A) Does not conflict with existing state or federal fish recovery plans; and (B) complies with all local, state, and federal laws and regulations; and

(ii) Hydroelectric generation associated with facilities or persons that have been the subject of an enforcement action, penalty order, or settled any enforcement action or penalty order with any agreement to pay a penalty or pay for or conduct mitigation under chapter 90.48 or 77.55 RCW during the preceding 15 years that resulted in the payment of a penalty of at least \$100,000 or conducting mitigation with a value of at least \$100,000;

(d) Storage facilities;

(e) Facilities or projects at any facilities that exclusively or primarily process biogenic feedstocks into biofuel as defined in RCW 80.50.020;

(f) Biomass energy facilities as defined in RCW 19.405.020; or

(g) Facilities or projects at any facilities that exclusively or primarily process alternative jet fuel.

(7) "Electrical transmission facilities" has the same meaning as defined in RCW 80.50.020, except excluding electrical transmission facilities that primarily or solely serve facilities that generate electricity from fossil fuels.

(8) "Fully coordinated permit process" means a comprehensive coordinated permitting assistance approach supported by a written agreement between the project proponent, the

department of ecology, and the participating agencies.

(9) "Fully coordinated project" means a clean energy project subject to the fully coordinated permit process.

(10) "Green electrolytic hydrogen" has the same meaning as defined in RCW 80.50.020.

(11) "Green hydrogen carrier" has the same meaning as defined in RCW 80.50.020.

(12) "Overburdened community" has the same meaning as defined in RCW 70A.02.010.

(13) "Permit" means any permit, license, certificate, use authorization, or other form of governmental review or approval required in order to construct, expand, or operate a project in the state of Washington.

(14) "Permit agency" means any state or local agency authorized by law to issue permits.

(15) "Project proponent" means a person, business, or any entity applying for or seeking a permit or permits in the state of Washington.

(16) "Reasonable costs" means direct and indirect expenses incurred by the department of ecology, participating agencies, or local governments in carrying out the coordinated permit process established in this chapter, including the initial assessment, environmental review, and permitting. "Reasonable costs" includes work done by agency or local government staff or consultants hired by agencies or local governments to carry out the work plan. "Reasonable costs" may also include other costs agreed to between the applicant and the department of ecology, participating agencies, or local governments.

(17) "Renewable hydrogen" has the same meaning as defined in RCW 80.50.020.

(18) "Renewable natural gas" has the same meaning as defined in RCW 80.50.020.

(19) "Renewable resource" has the same meaning as defined in RCW 80.50.020.

(20) "Storage facility" has the same meaning as defined in RCW 80.50.020.

NEW SECTION. Sec. 202. CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE—APPLICATION PROCESS. (1) The department of commerce shall develop an application for the designation of clean energy projects as clean energy projects of statewide significance.

(2) An application to the department of commerce by an applicant under this section must include:

(a) Information regarding the location of the project;

(b) Information sufficient to demonstrate that the project qualifies as a clean energy project;

(c) An explanation of how the project is expected to contribute to the state's achievement of the greenhouse gas emission limits in chapter 70A.45 RCW and is consistent with the state energy strategy adopted by the department of commerce, as well as any contribution that the project is expected to make to other state regulatory requirements for clean energy and greenhouse gas emissions, including the requirements of

chapter 19.405, 70A.30, 70A.60, 70A.65, 70A.535, or 70A.540 RCW;

(d) An explanation of how the project is expected to contribute to the state's economic development goals, including information regarding the applicant's average employment in the state for the prior year, estimated new employment related to the project, estimated wages of employees related to the project, and estimated time schedules for completion and operation;

(e) A plan for engagement and information sharing with potentially affected federally recognized Indian tribes;

(f) A description of potential community benefits and impacts from the project, a plan for community engagement in the project development, and an explanation of how the applicant might use a community benefit agreement or other legal document that stipulates the benefits that the developer agrees to fund or furnish, in exchange for community support of a project; and

(g) Other information required by the department of commerce.

NEW SECTION. Sec. 203. CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE—DEPARTMENT OF COMMERCE DECISION. (1)(a) The department of commerce, in consultation with natural resources agencies and other state agencies identified as likely to have a role in siting or permitting a project, must review applications received under section 202 of this act. Within 14 business days of receiving the application, the department of commerce must mail or provide in person a written determination that the application is complete, or if the application is incomplete, an opportunity to meet with the department of commerce to determine what is necessary to make the application complete. Within seven business days after an applicant has submitted additional information identified by the department of commerce as being necessary for a complete application, the department of commerce must notify the applicant whether the application is complete or what additional information is necessary.

(b) When the application is complete, the director of the department of commerce must determine within 60 business days whether to designate an applicant's project as a clean energy project of statewide significance.

(c) A determination of completeness does not preclude the department of commerce from requesting additional information if new information is required or substantial changes in the proposed project occur.

(2) The department of commerce may designate a clean energy project of statewide significance taking into consideration:

(a) Whether the project qualifies as a clean energy project;

(b) Whether the project will: Contribute to achieving state emission reduction limits under chapter 70A.45 RCW; be consistent with the state energy strategy adopted by the department of commerce; contribute to achieving other state requirements for clean energy and greenhouse gas emissions reductions; and support the state's economic development goals;

(c) Whether the level of applicant need for coordinated state assistance, including for siting and permitting and the complexity of the project, warrants the designation of a project;

(d) Whether the project is proposed for an area or for a clean energy technology that has been reviewed through a nonproject environmental review process, or least-conflict siting process including, but not limited to, the processes identified in sections 303 and 306 of this act, and whether the project is consistent with the recommendations of such processes;

(e) Whether the project is anticipated to have potential near-term or long-term significant positive or adverse impacts on environmental and public health, including impacts to:

(i) State or federal endangered species act listed species in Washington;

(ii) Overburdened communities; and

(iii) Rights, interests, and resources, including tribal cultural resources, of potentially affected federally recognized Indian tribes; and

(f) Input received from potentially affected federally recognized Indian tribes, which the department must solicit and acknowledge the receipt of.

(3) In determining whether to approve an application, the department of commerce must consider information contained in an application under section 202 of this act demonstrating an applicant's tribal outreach and engagement, engagement with the department of archaeology and historic preservation, and engagement with the governor's office of Indian affairs.

(4)(a) The department of commerce may designate an unlimited number of projects of statewide significance that meet the criteria of this section.

(b) An applicant whose application to the department of commerce under this chapter is not successful is eligible to reapply.

NEW SECTION. Sec. 204. CLEAN ENERGY COORDINATED PERMITTING PROCESS—DEPARTMENT OF ECOLOGY DUTIES. An optional, fully coordinated permit process is established for clean energy projects that do not apply to the energy facility site evaluation council under chapter 80.50 RCW. In support of the coordinated permitting process for clean energy projects, the department of ecology must:

(1) Act as the central point of contact for the project proponent for the coordinated permitting process for projects that do not apply to the energy facility site evaluation council under chapter 80.50 RCW and communicate with the project proponent about defined issues;

(2) Conduct an initial assessment of the proposed project review and permitting actions for coordination purposes as provided in section 205 of this act;

(3) Ensure that the project proponent has been informed of all the information needed to apply for the state and local permits that are included in the coordinated permitting process;

(4) Facilitate communication between project proponents and agency staff to

promote timely permit decisions and promote adherence to agreed schedules;

(5) Verify completion among participating agencies of administrative review and permit procedures, such as providing public notice;

(6) Assist in resolving any conflict or inconsistency among permit requirements and conditions;

(7) Consult with potentially affected federally recognized Indian tribes as provided in section 209 of this act in support of the coordinated permitting process;

(8) Engage with potentially affected overburdened communities as provided in section 209 of this act;

(9) Manage a fully coordinated permitting process; and

(10) Coordinate with local jurisdictions to assist with fulfilling the requirements of chapter 36.70B RCW and other local permitting processes.

NEW SECTION. Sec. 205. CLEAN ENERGY COORDINATED PERMITTING PROCESS INITIAL ASSESSMENT. (1) Upon the request of a proponent of a clean energy project, the department of ecology must conduct an initial assessment to determine the level of coordination needed, taking into consideration the complexity of the project and the experience of those expected to be involved in the project application and review process.

(2) The initial project assessment must consider the complexity, size, and need for assistance of the project and must address as appropriate:

(a) The expected type of environmental review;

(b) The state and local permits or approvals that are anticipated to be required for the project;

(c) The permit application forms and other application requirements of the participating permit agencies;

(d) The anticipated information needs and issues of concern of each participating agency; and

(e) The anticipated time required for the environmental review process under chapter 43.21C RCW and permit decisions by each participating agency, including the estimated time required to determine if the permit applications are complete, to conduct the environmental review under chapter 43.21C RCW, and conduct permitting processes for each participating agency. In determining the estimated time required, full consideration must be given to achieving the greatest possible efficiencies through any concurrent studies and any consolidated applications, hearings, and comment periods.

(3) The outcome of the initial assessment must be documented in writing, furnished to the project proponent, and be made available to the public.

(4) The initial assessment must be completed within 60 days of the clean energy project proponent's request to the department under this section, unless information on the project is not complete.

NEW SECTION. Sec. 206. CLEAN ENERGY COORDINATED PERMITTING PROCESS REQUIREMENTS AND PROCEDURES. (1) A project proponent may submit a written request to the department of ecology pursuant to section 208 of this act and a local government development agreement to support local government actions pursuant to section 207 of this act for participation in a fully coordinated permitting process. To be eligible to participate in the fully coordinated permit process:

(a) The project proponent must:

(i) Enter into a cost-reimbursement agreement pursuant to section 208 of this act;

(ii) Provide sufficient information on the project and project site to identify probable significant adverse environmental impacts;

(iii) Provide information on any voluntary mitigation measures; and

(iv) Provide information on engagement actions taken by the proponent with federally recognized Indian tribes, local government, and overburdened communities; and

(b) The department of ecology must determine that the project raises complex coordination, permit processing, or substantive permit review issues.

(2) A project proponent who requests designation as a fully coordinated project must provide the department of ecology with a complete description of the project. The department of ecology may request any information from the project proponent that is necessary to make the designation under this section and may convene a meeting of the likely participating permit agencies.

(3) For a fully coordinated permitting process, the department of ecology must serve as the main point of contact for the project proponent and participating agencies with regard to coordinating the permitting process for the project as a whole. Each participating permit agency must designate a single point of contact for coordinating with the department of ecology. The department of ecology must keep a schedule identifying required procedural steps in the permitting process and highlighting substantive issues as appropriate that must be resolved in order for the project to move forward. In carrying out these responsibilities, the department of ecology must:

(a) Conduct the duties for the coordinated permitting process as described in section 205 of this act;

(b)(i) Reach out to tribal or federal jurisdictions responsible for issuing a permit for the project and invite them to participate in the coordinated permitting process or to receive periodic updates of the project;

(ii) Reach out to local jurisdictions responsible for issuing a permit for the project and inform them of their obligations under section 207 of this act.

(4) Within 30 days, or longer with agreement of the project proponent, of the date that the department of ecology determines a project is eligible for the fully coordinated permitting process, the department of ecology shall convene a work

plan meeting with the project proponent, local government, and the participating permit agencies to develop a coordinated permitting process schedule. The work plan meeting agenda may include any of the following:

(a) Review of the permits that are anticipated for the project;

(b) A review of the permit application forms and other application requirements of the agencies that are participating in the coordinated permitting process;

(c) An estimation of the timelines that will be used by each participating permit agency to make permit decisions, including the estimated time periods required to determine if the permit applications are complete and to review or respond to each application or submittal of new information. In the development of this timeline, full attention must be given to achieving the maximum efficiencies possible through concurrent studies and consolidated applications, hearings, and comment periods; or

(d) An estimation of reasonable costs for the department of ecology, participating agencies, and the county, city, or town in which the project is proposed for environmental review and permitting, based on known information about the project.

(5) Each participating agency and the lead agency under chapter 43.21C RCW must send at least one representative qualified to discuss the applicability and timelines associated with all permits administered by that agency or jurisdiction to the work plan meeting. The department of ecology must notify any relevant federal agency or potentially affected federally recognized Indian tribe of the date of the meeting and invite them to participate in the process.

(6) Any accelerated time period for the consideration of a permit application or for the completion of the environmental review process under chapter 43.21C RCW must be consistent with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires the participation of other agencies, federally recognized Indian tribes, or interested persons in the application process.

(7) Upon the completion of the work plan meeting under subsection (4) of this section, the department of ecology must finalize the coordinated permitting process schedule, share it in writing with the project proponent, participating state agencies, lead agencies under chapter 43.21C RCW, and cities and counties subject to an agreement specified in section 207 of this act, and make the schedule available to the public.

(8) As part of the coordinated permit process, the developer may prepare a community benefit agreement or other similar document to identify how to mitigate potential community impacts or impacts to tribal rights and resources, including cultural resources. The agreement should include benefits in addition to jobs or tax revenues resulting from the project. Approval of any benefit agreement or other legal document stipulating the benefits that the developer agrees to fund or furnish, in exchange for community or tribal government

support of the project, must be made by the local government legislative authority of the county, city, or town in which the project is proposed or by the relevant federally recognized Indian tribal government.

(9) If a lead agency under chapter 43.21C RCW, a permit agency, or the project proponent foresees, at any time, that it will be unable to meet the estimated timelines or other obligations under the schedule agreement, it must notify the department of ecology of the reasons for the delay and offer potential solutions or an amended timeline. The department of ecology must notify the participating agencies and the project proponent and, upon agreement of all parties, adjust the schedule or, if necessary, schedule another work plan meeting.

(10) The project proponent may withdraw from the coordinated permitting process by submitting to the department of ecology a written request that the process be terminated. Upon receipt of the request, the department of ecology must notify each participating agency that a coordinated permitting process is no longer applicable to the project.

(11)(a) Permitting decisions made by state and local jurisdictions under the fully coordinated permitting process in this chapter are considered final, subject to any appeals process available to applicants or other parties. Applicants utilizing the fully coordinated permitting process in this chapter are not eligible for permitting under chapter 80.50 RCW unless a substantial change is made to the proposed project.

(b) Prior to considering an application under chapter 80.50 RCW from a project applicant that has previously used the fully coordinated permitting process under this chapter for the project, the energy facility site evaluation council must determine that the project applicant has made a substantial change to the project, relative to the project as it was proposed under the fully coordinated permitting process.

NEW SECTION. Sec. 207. CLEAN ENERGY COORDINATED PERMITTING PROCESS—LOCAL JURISDICTION AGREEMENTS. (1)(a) Counties and cities with clean energy projects that are determined to be eligible for the fully coordinated permit process shall enter into an agreement with the department of ecology or with the project proponents of clean energy projects for expediting the completion of projects.

(b) For the purposes of this section, "expedite" means that a county or city will develop and implement a method to accelerate the process for permitting and environmental review. Expediting should not disrupt or otherwise delay the permitting and environmental review of other projects or require the county or city to incur additional costs that are not compensated.

(2) Agreements required by this section must include requirements that the county or city coordinate with the department of ecology and conduct environmental review and permitting to align with the work plan described in section 206(4) of this act and:

(a) Expedite permit processing for the design and construction of the project;

(b) Expedite environmental review processing;

(c) Expedite processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project;

(d) Develop and follow a plan for consultation with potentially affected federally recognized Indian tribes; and

(e) Carry out such other actions identified by the department of ecology as needed for the fully coordinated permitting process.

NEW SECTION. Sec. 208. CLEAN ENERGY COORDINATED PERMITTING PROCESS—COST-REIMBURSEMENT AGREEMENTS. (1) For a fully coordinated permitting process, a project proponent must enter into a cost-reimbursement agreement with the department of ecology in accordance with RCW 43.21A.690. The cost-reimbursement agreement is to recover reasonable costs incurred by the department of ecology and participating agencies in carrying out the coordinated permitting process.

(2) The cost-reimbursement agreement may include deliverables and schedules for invoicing and reimbursement.

(3) For a fully coordinated permitting process, a project proponent must enter into a development agreement with the county, city, or town in which the project is proposed, in accordance with the authorization and requirements in RCW 36.70B.170 through 36.70B.210. The development agreement must detail the obligations of the local jurisdiction and the project applicant. It must also include, but not be limited to, the process the county, city, or town will implement for meeting its obligation to expedite the application, other clarifications for project phasing, and an estimate of reasonable costs.

(4) For a fully coordinated permitting process, a project proponent may enter directly into a cost-reimbursement agreement similar to that described in subsection (1) of this section, to reimburse the costs of a federally recognized Indian tribe for reviewing and providing input on the siting and permitting of a clean energy project.

(5) If a project proponent foresees, at any time, that it will be unable to meet its obligations under the agreement, it must notify the department of ecology and state the reasons, along with proposals for resolution.

NEW SECTION. Sec. 209. CLEAN ENERGY COORDINATED PERMITTING PROCESS—TRIBAL CONSULTATION AND OVERBURDENED COMMUNITY ENGAGEMENT. (1)(a) The department of ecology must offer early, meaningful, and individual consultation with any affected federally recognized Indian tribe on designated clean energy projects participating in the coordinated permitting process for the purpose of understanding potential impacts to tribal rights, interests, and resources, including tribal cultural resources,

archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian 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 state law, or by a state agency. The goal of the consultation process is to support the coordinated permitting process by early identification of tribal rights, interests, and resources, including tribal cultural resources, potentially affected by the project, and identifying solutions, when possible, to avoid, minimize, or mitigate any adverse effects on tribal rights, interests, or resources, including tribal cultural resources, based on environmental or permit reviews.

(b) At the earliest possible date after the initiation of the coordinated permitting process under this chapter, the department of ecology shall engage in a preapplication process with all affected federally recognized Indian tribes potentially impacted by the project.

(i) The department of ecology must notify the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized Indian tribes potentially impacted by the project. The notification must include geographical location, detailed scope of the proposed project, preliminary proposed project details available to federal, state, or local governmental jurisdictions, and all publicly available materials.

(ii) The department of ecology 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 Indian tribes potentially impacted by the project. Any resultant discussions must include the project's impact to tribal rights, interests, and 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.

(iii) All affected federally recognized Indian tribes may submit to the department of ecology a summary of tribal issues, questions, concerns, or other statements regarding the project, which must become part of the official files maintained by the department of ecology for the coordinated permitting process. The summary does not limit what issues affected federally recognized Indian tribes may raise in the consultation process.

(iv) The notification and offer to initiate discussion must be documented by the department of ecology and delivered to the department of archaeology and historic preservation, the department of fish and wildlife, and to the affected federally recognized Indian tribe or tribes. If the discussions pursuant to (b)(ii) of this subsection do not occur, the department of

ecology must document the reason why the discussion or discussions did not occur.

(v) 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 publicly available coordinated permitting process files.

(2) The department of ecology must identify overburdened communities, as defined in RCW 70A.02.010, which may be potentially affected by clean energy projects participating in the coordinated permitting process. The department of ecology must verify these communities have been meaningfully engaged in the regulatory processes in a timely manner by participating agencies and their comments considered for determining potential impacts.

NEW SECTION. Sec. 210. MISCELLANEOUS.

(1) Nothing in this chapter:

(a) Prohibits an applicant, a project proponent, a state agency, a local government, or a federally recognized Indian tribe from entering into a nondisclosure agreement to protect confidential business information, trade secrets, financial information, or other proprietary information;

(b) Limits or affects other statutory provisions specific to any state agency related to that agency's procedures and protocols related to the identification, designation, or disclosure of information identified as confidential business information, trade secrets, financial information, or other proprietary information;

(c) Limits or affects the provisions of chapter 42.56 RCW as they apply to information or nondisclosure agreements obtained by a state agency under this chapter; or

(d) Relieves the responsible official under chapter 43.21C RCW for an action of the official's responsibilities under that chapter.

(2) The decisions by the department of commerce to designate a clean energy project of statewide significance must be made available to the public. Regardless of any exemptions otherwise set forth in RCW 42.56.270, publicly shared information must include the designee's name, a brief description of the project, the intended project location, a description of climate and economic development benefits to the state and communities therein, a tribal engagement plan, a community engagement plan, and a community benefit agreement if applicable.

(3) The department of commerce may terminate a designation of a clean energy project of statewide significance for reasons that include, but are not limited to, failure to comply with requirements of the designation or the emergence of new

information that significantly alters the department of commerce's assessment of the applicant's application, project, or project proponent. The department of commerce must notify the applicant, project proponent, and the department of ecology of the termination in writing within 30 days.

(4) Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council under chapter 80.50 RCW.

(5) This chapter does not limit or abridge the powers and duties granted to a participating permit agency under the law or laws that authorizes or requires the agency to issue a permit for a project. Each participating permit agency retains its authority to make all decisions on all substantive matters with regard to the respective component permit that is within its scope of its responsibility including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial.

NEW SECTION. Sec. 211. A new section is added to chapter 80.50 RCW to read as follows:

Applicants utilizing the fully coordinated permitting process under chapter 43.--- RCW (the new chapter created in section 402 of this act) are not eligible for permitting under this chapter unless a substantial change is made to the proposed project. Prior to considering an application under this chapter from a project applicant that has previously used the fully coordinated permitting process under chapter 43.--- RCW (the new chapter created in section 402 of this act) for that project, the council must determine that the project applicant has made a substantial change to the project, relative to the project as it was proposed under the fully coordinated permitting process.

**PART 3
PERMITTING AND ENVIRONMENTAL REVIEW
PROVISIONS FOR CLEAN ENERGY PROJECTS**

NEW SECTION. Sec. 301. A new section is added to chapter 43.21C RCW to read as follows:

SEPA CLEAN ENERGY FACILITIES. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative energy resource" has the same meaning as defined in RCW 80.50.020.

(b) "Alternative jet fuel" has the same meaning as defined in section 201 of this act.

(c) "Associated facilities" has the same meaning as defined in section 201 of this act.

(d) "Clean energy product manufacturing facility" has the same meaning as defined in section 201 of this act.

(e) "Clean energy project" has the same meaning as defined in section 201 of this act.

(f) "Closely related proposals" means proposals that:

(i) Cannot or will not proceed unless the other proposals, or parts of proposals, are implemented simultaneously with them; or

(ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

(g) "Green electrolytic hydrogen" has the same meaning as defined in RCW 80.50.020.

(h) "Green hydrogen carrier" has the same meaning as defined in RCW 80.50.020.

(i) "Renewable hydrogen" has the same meaning as defined in RCW 80.50.020.

(j) "Renewable natural gas" has the same meaning as defined in RCW 80.50.020.

(k) "Renewable resource" has the same meaning as defined in RCW 80.50.020.

(l) "Storage facility" has the same meaning as defined in RCW 80.50.020.

(2)(a) After the submission of an environmental checklist and prior to issuing a threshold determination that a clean energy project proposal is likely to cause a probable significant adverse environmental impact consistent with RCW 43.21C.033, the lead agency must notify the project applicant and explain in writing the basis for its anticipated determination of significance. Prior to issuing the threshold determination of significance, the lead agency must give the project applicant the option of withdrawing and revising its application and the associated environmental checklist. The lead agency shall make its threshold determination based upon the changed or clarified application and associated environmental checklist. The responsible official has no more than 30 days from the date of the resubmission of a clarified or changed application to make a threshold determination, unless the applicant makes material changes that substantially modify the impact of the proposal, in which case the responsible official must treat the resubmitted clarified or changed application as new, and is subject to the timelines established in RCW 43.21C.033.

(b) The notification required under (a) of this subsection is not an official determination by the lead agency and is not subject to appeal under this chapter.

(c) Nothing in this subsection amends the requirements of RCW 43.21C.033 as they apply to proposals that are not for clean energy projects and nothing in this subsection precludes the lead agency from allowing an applicant for a proposal that is not a clean energy project to follow application processes similar to or the same as the application processes identified in this subsection.

(3)(a) When an environmental impact statement is required, a lead agency shall prepare a final environmental impact statement for clean energy projects within 24 months of a threshold determination of a probable significant, adverse environmental impact.

(b) A lead agency may work with clean energy project applicants to set or extend a time limit longer than 24 months under (a) of this subsection, provided the:

(i) Applicant agrees to a longer time limit; and

(ii) Responsible official for the lead agency maintains an updated schedule available for public review.

(c) For all clean energy projects that require the preparation of an environmental impact statement, the lead agency shall work collaboratively with applicants and all agencies that will have actions requiring review under this chapter to develop a schedule that shall:

(i) Include a list of, and roles and responsibilities for, all entities that have actions requiring review under this chapter for the project;

(ii) Include a comprehensive schedule of dates by which review under this chapter will be completed, all actions requiring review under this chapter will be taken, and the public will have an opportunity to participate;

(iii) Be completed within 60 days of issuance of a determination of significance;

(iv) Be updated as needed, but no later than 30 days of missing a date on the schedule; and

(v) Be available for public review on the state environmental policy act register.

(d) A lead agency may fulfill its responsibilities under this subsection with a coordinated project plan prepared pursuant to 42 U.S.C. Sec. 4370m-2(c)(1) if it includes all dates identified under (c)(ii) of this subsection.

(e) A failure to comply with the requirements in this subsection is not subject to appeal and does not provide a basis for the invalidation of the review by an agency under this chapter. Nothing in this subsection creates any civil liability for an agency or creates a new cause of action against an agency.

(f) For clean energy projects, the provisions of this subsection are in addition to the requirements of RCW 43.21C.0311.

(4) This subsection provides clarifications on the content of review under this chapter specific to clean energy projects.

(a) In defining the proposal that is the subject of review under this chapter, a lead agency may not combine the evaluation of a clean energy project proposal with other proposals unless the:

(i) Proposals are closely related; or

(ii) Applicant agrees to combining the proposals' evaluation.

(b) An agency with authority to impose mitigation under RCW 43.21C.060 may require mitigation measures for clean energy projects only to address the environmental impacts that are attributable to and caused by a proposal.

NEW SECTION. Sec. 302. A new section is added to chapter 43.21C RCW to read as follows:

NONPROJECT ENVIRONMENTAL IMPACT STATEMENTS. (1) The department of ecology shall prepare nonproject environmental impact statements, pursuant to RCW 43.21C.030, that assess and disclose the probable significant adverse environmental impacts, and that identify related mitigation measures, for each of the

following categories of clean energy projects, and colocated battery energy storage projects that may be included in such projects:

(a) Green electrolytic or renewable hydrogen projects;

(b) Utility-scale solar energy projects, which will consider the findings of the Washington State University least-conflict solar siting process; and

(c) Onshore utility-scale wind energy projects.

(2) The scope of a nonproject environmental review shall be limited to the probable, significant adverse environmental impacts in geographic areas that are suitable for the applicable clean energy type. The department of ecology may consider standard attributes for likely development, proximity to existing transmission or complementary facilities, and planned corridors for transmission capacity construction, reconstruction, or enlargement. The nonproject review is not required to evaluate geographic areas that lack the characteristics necessary for the applicable clean energy project type.

(3) (a) The scope of nonproject environmental impact statements must consider, as appropriate, analysis of the following probable significant adverse environmental impacts, including direct, indirect, and cumulative impacts to:

(i) Historic and cultural resources;

(ii) Species designated for protection under RCW 77.12.020 or the federal endangered species act;

(iii) Landscape scale habitat connectivity and wildlife migration corridors;

(iv) Environmental justice and overburdened communities as defined in RCW 70A.02.010;

(v) Cultural resources and elements of the environment relevant to tribal rights, interests, and resources including tribal cultural resources, and fish, wildlife, and their habitat;

(vi) Land uses, including agricultural and ranching uses; and

(vii) Military installations and operations.

(b) The nonproject environmental impact statements must identify measures to avoid, minimize, and mitigate probable significant adverse environmental impacts identified during the review. These include measures to mitigate probable significant adverse environmental impacts to elements of the environment as defined in WAC 197-11-444 as it existed as of January 1, 2023, tribal rights, interests, and resources, including tribal cultural resources, as identified in RCW 70A.65.305, and overburdened communities as defined in RCW 70A.02.010. The department of ecology shall consult with federally recognized Indian tribes and other agencies with expertise in identification and mitigation of probable, significant adverse environmental impacts including, but not limited to, the department of fish and wildlife. The department of ecology shall further specify when probable, significant adverse environmental impacts cannot be mitigated.

(4) In defining the scope of nonproject review of clean energy projects, the department of ecology shall request input from agencies, federally recognized Indian tribes, industry, stakeholders, local governments, and the public to identify the geographic areas suitable for the applicable clean energy project type, based on the climatic and geophysical attributes conducive to or required for project development. The department of ecology will provide opportunities for the engagement of tribes, overburdened communities, and stakeholders that self-identify an interest in participating in the processes.

(5) The department of ecology will offer early and meaningful consultation with any affected federally recognized Indian tribe on the nonproject review under this section for the purpose of understanding potential impacts to tribal rights and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. Certain information obtained by the department of ecology under this section is exempt from disclosure consistent with RCW 42.56.300.

(6) Final nonproject environmental review documents for the clean energy projects identified in subsection (1) of this section, where applicable, shall include maps identifying probable, significant adverse environmental impacts for the resources evaluated. Maps must be prepared with the intention to illustrate probable, significant impacts, creating a tool that may be used by project proponents, tribes, and government to inform decision making. The maps may not be used in the place of surveys on specific parcels of land or input of a potentially affected federally recognized Indian tribe regarding specific parcels.

(7) Following the completion of a nonproject review subject to this section, the interagency clean energy siting coordinating council created in section 101 of this act must consider the findings and make recommendations to the legislature and governor on potential areas to designate as clean energy preferred zones for the clean energy project technology analyzed, and any taxation, regulatory, environmental review, or other benefits that should accrue to projects in such designated preferred zones.

(8) Nothing in this section prohibits or precludes projects from being located outside areas designated as clean energy preferred zones.

NEW SECTION. Sec. 303. A new section is added to chapter 43.21C RCW to read as follows:

LEAD AGENCY USE OF NONPROJECT ENVIRONMENTAL IMPACT STATEMENT. (1) A lead agency conducting a project-level environmental review under this chapter of a clean energy project identified in section 302(1) of this act must consider a nonproject environmental impact statement prepared pursuant to section 302 of this act

in order to identify and mitigate project-level probable significant adverse environmental impacts.

(2)(a) Project-level environmental review conducted pursuant to this chapter of a clean energy project identified in section 302(1) of this act must begin with review of the applicable nonproject environmental impact statement prepared pursuant to section 302 of this act. The review must address any probable significant adverse environmental impacts associated with the proposal that were not analyzed in the nonproject environmental impact statements prepared pursuant to section 302 of this act. The review must identify any mitigation measures specific to the project for probable significant adverse environmental impacts.

(b) Lead agencies reviewing site-specific project proposals for clean energy projects under this chapter shall use the nonproject review described in this section through one of the following methods and in accordance with WAC 197-11-600, as it existed as of January 1, 2023:

(i) Use of the nonproject review unchanged, in accordance with RCW 43.21C.034, if the project does not cause any probable significant adverse environmental impact not identified in the nonproject review;

(ii) Preparation of an addendum;

(iii) Incorporation by reference; or

(iv) Preparation of a supplemental environmental impact statement.

(3) Clean energy project proposals following the recommendations developed in the nonproject environment review completed pursuant to section 302 of this act must be considered to have mitigated the probable significant adverse project-specific environmental impacts under this chapter for which recommendations were specifically developed unless the project-specific environmental review identifies project-level probable significant adverse environmental impacts not addressed in the nonproject environmental review.

NEW SECTION. Sec. 304. A new section is added to chapter 36.70B RCW to read as follows:

PROHIBITION ON DEMONSTRATION OF NEED. During project review of a project to construct or improve facilities for the generation, transmission, or distribution of electricity, a local government may not require a project applicant to demonstrate the necessity or utility of the project other than to require, as part of a completed application under RCW 36.70B.070(2), submission of any publicly available documentation required by the federal energy regulatory commission or its delegates or the utilities and transportation commission or its delegates, or from any other federal agency with regulatory authority over the assessment of electric power transmission and distribution needs as applicable.

NEW SECTION. Sec. 305. A new section is added to chapter 36.01 RCW to read as follows:

A county may not prohibit the installation of wind and solar resource evaluation equipment necessary for the design and environmental planning of a renewable energy project.

NEW SECTION. Sec. 306. **IDENTIFYING INFORMATION FOR PUMPED STORAGE SITING.** (1) The Washington State University energy program shall conduct a process to identify issues and interests related to siting pumped storage projects in Washington state, to support expanded capacity to store intermittently produced renewable energy, such as from wind and solar, as part of the state's transition from fossil fuel to 100 percent clean energy. The Washington State University energy program may decide to include within the process's scope the collocation of pumped storage with wind or solar energy generation. The goal of the process is to identify and understand issues and interests of various stakeholders and federally recognized Indian tribes related to areas where pumped storage might be sited, providing useful information to developers of potential projects, and for subsequent environmental reviews under the state environmental policy act.

(2) In carrying out this process, the Washington State University energy program shall provide ample opportunities for the engagement of federally recognized Indian tribes, local governments and special purpose districts, land use and environmental organizations, and additional stakeholders that self-identify as interested in participating in the process.

(3) The Washington State University energy program must develop and make available a map and associated GIS data layers, highlighting areas identified through the process.

(4) Any information provided by tribes will help to inform the map product, but the Washington State University energy program may not include sensitive tribal information, as identified by federally recognized Indian tribes, in the publicly available map or GIS data layers. The information developed by this process and creation of the map under this section does not supplant the need for project developers to conduct early and individual outreach to federally recognized Indian tribes and other affected communities. The Washington State University energy program must take precautions to prevent disclosure of any sensitive tribal information it receives during the process, consistent with RCW 42.56.300.

(5) The pumped storage siting information process must be completed by June 30, 2025.

NEW SECTION. Sec. 307. (1)(a) The department must consult with stakeholders from rural communities, agriculture, natural resource management and conservation, and forestry to gain a better understanding of the benefits and impacts of anticipated changes in the state's energy system, including the siting of facilities under the jurisdiction of the energy facility site evaluation council, and to identify risks and opportunities for rural communities.

This consultation must be conducted in compliance with the community engagement plan developed by the department under chapter 70A.02 RCW and with input from the environmental justice council, using the best recommended practices available at the time. The department must collect the best available information and learn from the lived experiences of people in rural communities, with the objective of improving state implementation of clean energy policies, including the siting of energy facilities under the jurisdiction of the energy facility site evaluation council, in ways that protect and improve life in rural Washington. The department must consult with an array of rural community members, including: Low-income community and vulnerable population members or representatives; legislators; local elected officials and staff; those involved with agriculture, forestry, and natural resource management and conservation; renewable energy project property owners; utilities; large energy consumers; and others.

(b) The consultation must include stakeholder meetings with at least one in eastern Washington and one in western Washington.

(c) The department's consultation with stakeholders may include, but is not limited to, the following topics:

(i) Energy facility siting under the jurisdiction of the energy facility site evaluation council, including placement of new renewable energy resources, such as wind and solar generation, pumped storage, and batteries or new nonemitting electric generation resources, and their contribution to resource adequacy;

(ii) Production of hydrogen, biofuels, and feedstocks for clean fuels;

(iii) Programs to reduce energy cost burdens on rural families and farm operations;

(iv) Electric vehicles, farm and warehouse equipment, and charging infrastructure suitable for rural use;

(v) Efforts to capture carbon or produce energy on agricultural, forest, and other rural lands, including dual use solar projects that ensure ongoing agricultural operations;

(vi) The use of wood products and forest practices that provide low-carbon building materials and renewable fuel supplies; and

(vii) The development of clean manufacturing facilities, such as solar panels, vehicles, and carbon fiber.

(2) (a) The department must complete a report on rural clean energy and resilience that takes into consideration the consultation with rural stakeholders as described in subsection (1) of this section. The report must include recommendations for how policies, projects, and investment programs, including energy facility siting through the energy facility site evaluation council, can be developed or amended to more equitably distribute costs and benefits to rural communities. The report must include an assessment of how to improve the total benefits to rural areas overall, as well as the equitable distribution of benefits and costs within rural communities.

(b) The report must include a baseline understanding of rural energy production and consumption, and collect data on their economic impacts. Specifically, the report must examine:

(i) Direct, indirect, and induced jobs in construction and operations;

(ii) Financial returns to property owners;

(iii) Effects on local tax revenues and public services, which must include whether any school districts had a net loss of resources from diminished local effort assistance payments required under chapter 28A.500 RCW and impacts to public safety, the 911 emergency communications system, mental health, criminal justice, and rural county roads;

(iv) Effects on other rural land uses, such as agriculture, natural resource management and conservation, and tourism;

(v) Geographic distribution of large energy projects previously sited or forecast to be sited in Washington;

(vi) Potential forms of economic development assistance and impact mitigation payments; and

(vii) Relevant information from the least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington required under section 607, chapter 334, Laws of 2021.

(c) The report must include a forecast of what Washington's clean energy transition will require for siting energy projects in rural Washington. The department must gather and analyze the best available information to produce forecast scenarios.

(d) By December 1, 2024, the department must submit a final report on rural clean energy and resilience to the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010 and the appropriate policy and fiscal committees of the legislature.

(3) For the purposes of this section, "department" means the department of commerce.

Sec. 308. RCW 44.39.010 and 2005 c 299 s 1 are each amended to read as follows:

There is hereby created the joint committee on energy supply ~~((and))~~ energy conservation, and energy resilience.

Sec. 309. RCW 44.39.012 and 2005 c 299 s 4 are each amended to read as follows:

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

(1) "Committee" means the joint committee on energy supply ~~((and))~~ energy conservation, and energy resilience.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results.

NEW SECTION. Sec. 310. (1) The committee shall review the report produced by the department of commerce under section 307 of this act and consider any policy or budget recommendations to reduce impacts and

increase benefits of the clean energy transition for rural communities, including mechanisms to support local tax revenues and public services.

(2) The committee must hold at least two meetings, at least one of which must be in eastern Washington. The first meeting of the committee must occur by September 30, 2023.

(3) Relevant state agencies, departments, and commissions, including the energy facility site evaluation council, shall cooperate with the committee and provide information as the chair reasonably requests.

(4) The committee shall report its findings and any recommendations to the energy facility site evaluation council and the committees of the legislature with jurisdiction over environment and energy laws by December 1, 2024. Recommendations of the committee may be made by a simple majority of committee members. In the event that the committee does not reach majority-supported recommendations, the committee may report minority findings supported by at least two members of the committee.

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

(a) "Alternative energy" means energy derived from an alternative energy resource specified in RCW 80.50.020(1).

(b) "Committee" means the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010.

(6) This section expires June 30, 2025.

PART 4 MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 401.** Sections 101 and 102 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 402.** Sections 201 through 210 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 403.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "siting;" strike the remainder of the title and insert "amending RCW 44.39.010 and 44.39.012; adding a new section to chapter 80.50 RCW; adding new sections to chapter 43.21C RCW; adding a new section to chapter 36.70B RCW; adding a new section to chapter 36.01 RCW; adding new chapters to Title 43 RCW; creating new sections; prescribing penalties; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE

BILL NO. 1216 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1216, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1216, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 78; Nays, 18; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Christian, Connors, Corry, Dent, Eslick, Graham, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Volz, Walsh and Ybarra

Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1217, with the following amendment(s): 1217-S AMS ENGR S2688.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.48.083 and 2011 c 301 s 16 are each amended to read as follows:

(1) If an employee files a wage complaint with the department, the department shall investigate the wage complaint. Unless otherwise resolved, the department shall issue either a citation and notice of assessment or a determination of compliance no later than ~~((sixty))~~ 60 days after the date on which the department received the wage complaint. The department may extend the time period by providing advance written notice to the employee and the employer setting forth good cause for an extension of the time period and specifying the duration of the extension. The department may not investigate any alleged violation of a wage payment requirement that occurred more than three years before the date that the employee filed the wage complaint. The department shall send the citation and notice of assessment or the determination of

compliance to both the employer and the employee by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses.

(2) If the department determines that an employer has violated a wage payment requirement and issues to the employer a citation and notice of assessment, the department may order the employer to pay employees all wages owed, including interest of one percent per month on all wages owed, to the employee. The wages and interest owed must be calculated from the first date wages were owed to the employee, except that the department may not order the employer to pay any wages and interest that were owed more than three years before the date the wage complaint was filed with the department.

(3) If the department determines that the violation of the wage payment requirement was a willful violation, the department also may order the employer to pay the department a civil penalty as specified in (a) of this subsection.

(a) A civil penalty for a willful violation of a wage payment requirement shall be not less than one thousand dollars or an amount equal to ten percent of the total amount of unpaid wages, whichever is greater. The maximum civil penalty for a willful violation of a wage payment requirement shall be twenty thousand dollars.

(b) The department may not assess a civil penalty if the employer reasonably relied on: (i) A rule related to any wage payment requirement; (ii) a written order, ruling, approval, opinion, advice, determination, or interpretation of the director; or (iii) an interpretive or administrative policy issued by the department and filed with the office of the code reviser. In accordance with the department's retention schedule obligations under chapter 40.14 RCW, the department shall maintain a complete and accurate record of all written orders, rulings, approvals, opinions, advice, determinations, and interpretations for purposes of determining whether an employer is immune from civil penalties under (b)(ii) of this subsection.

(c) The department shall waive any civil penalty assessed against an employer under this section if the employer is not a repeat willful violator, and the director determines that the employer has provided payment to the employee of all wages that the department determined that the employer owed to the employee, including interest, within ten business days of the employer's receipt of the citation and notice of assessment from the department.

(d) The department may waive or reduce at any time a civil penalty assessed under this section if the director determines that the employer paid all wages and interest owed to an employee.

(e) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(4) Upon payment by an employer, and acceptance by an employee, of all wages and interest assessed by the department in a citation and notice of assessment issued to

the employer, the fact of such payment by the employer, and of such acceptance by the employee, shall: (a) Constitute a full and complete satisfaction by the employer of all specific wage payment requirements addressed in the citation and notice of assessment; and (b) bar the employee from initiating or pursuing any court action or other judicial or administrative proceeding based on the specific wage payment requirements addressed in the citation and notice of assessment. The citation and notice of assessment shall include a notification and summary of the specific requirements of this subsection.

(5) The applicable statute of limitations for civil actions is tolled during the department's investigation of an employee's wage complaint against an employer. For the purposes of this subsection, the department's investigation begins on the date the employee files the wage complaint with the department and ends when: (a) The wage complaint is finally determined through a final and binding citation and notice of assessment or determination of compliance; or (b) the department notifies the employer and the employee in writing that the wage complaint has been otherwise resolved or that the employee has elected to terminate the department's administrative action under RCW 49.48.085.

(6) For all wage complaints filed on or after January 1, 2024, if the department offers the employer the option to resolve a wage complaint without a citation and notice of assessment, and the employer chooses to accept the offer, any settlement must include interest of one percent per month on all amounts owed. The employee may request a waiver or reduction of interest as part of the settlement process."

On page 1, line 2 of the title, after "options;" strike the remainder of the title and insert "and amending RCW 49.48.083."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1217 and advanced the bill, as amended by the Senate, to final passage.

Representatives Berry and Robertson spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1217, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1217, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena,

Morgan, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Santos, Senn, 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, McClintock, McEntire, Mosbrucker, Orcutt, Rude, Sandlin, Schmick, Schmidt, Shavers, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1217, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1317, with the following amendment(s): 1317 AMS SGE S2583.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17A.640 and 2010 c 204 s 809 are each amended to read as follows:

(1) Any person who has made expenditures, not reported by a registered lobbyist under RCW 42.17A.615 or by a candidate or political committee under RCW 42.17A.225 or 42.17A.235, exceeding one thousand dollars in the aggregate within any three-month period or exceeding five hundred dollars in the aggregate within any one-month period in presenting a ~~((program))~~ campaign to the public, a substantial portion of which is intended, designed, or calculated primarily to solicit, urge, or encourage the public to influence legislation, shall register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

(2) ~~((Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the))~~ (a) The sponsor shall register by filing with the commission a registration statement:

(i) Within 24 hours of the initial presentation of the campaign to the public during the period:

(A) Beginning on the 30th day before a regular legislative session convenes and continuing through the date of final adjournment of that session; or

(B) Beginning on the date that a special legislative session has been called or 30 days before the special legislative session is scheduled to convene, whichever is later, and continuing through the date of final adjournment of that session; or

(ii) Within five business days of the initial presentation of the campaign to the public during any other period.

(b) The registration must show, in such detail as the commission shall prescribe(~~r showing~~):

~~((a))~~ (i) The sponsor's name, address, and business or occupation and employer, and, if the sponsor is not an individual, the names, addresses, and titles of the

controlling persons responsible for managing the sponsor's affairs;

~~((b))~~ (ii) The names, addresses, and business or occupation and employer of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

~~((c) The names and addresses of each person contributing twenty-five dollars or more to the campaign, and the aggregate amount contributed))~~ (iii) Each source of funding for the campaign of \$25 or more, including:

(A) General treasury funds. The name and address of each business, union, group, association, or other organization using general treasury funds for the campaign; however, if such entity undertakes a special solicitation of its members or other persons for the campaign, or it otherwise receives funds for the campaign, that entity shall report pursuant to (b) (ii) of this subsection; and

(B) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the campaign, along with the amount;

~~((d))~~ (iv) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

~~((e))~~ (v) The totals of all expenditures made or incurred to date on behalf of the campaign segregated according to financial category, including but not limited to the following: Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses; and

(vi) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report. The final report shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

(5) (a) Any advertising or other mass communication produced as part of a campaign must include the following disclosures:

(i) All written communications shall include the sponsor's name and address. All radio and television communications shall include the sponsor's name. The use of an assumed name for the sponsor is unlawful;

(ii) If the sponsor is a political committee established, maintained, or controlled directly, or indirectly through the formation of one or more political committees, by an individual, corporation, union, association, or other entity, the communication must include the full name of that individual or entity; and

(iii) If the communication costs \$1,000 or more, the communication must include:

(A) The statement "Top Five Contributors," followed by a listing of the names of each of the five largest sources of funding of \$1,000 or more, as reported under subsection (2)(b) of this section, during the 12-month period preceding the date on which the advertisement is initially to be published or otherwise presented to the public; and

(B) If one of the "Top Five Contributors" listed includes a political committee, the statement "Top Three Donors to PAC Contributors," followed by a listing of the names of the three individuals or entities other than political committees making the largest aggregate contributions to political committees using the same methodology as provided in RCW 42.17A.350(2).

(b) Abbreviations may be used to describe entities required to be listed under (a) of this subsection if the full name of the entity has been clearly spoken previously during the communication. The information required by (a) of this subsection shall:

(i) In a written communication:

(A) Appear on the first page or fold of the written advertisement or communication in at least 10-point type, or in type at least 10 percent of the largest size type used in a written communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(B) Not be subject to the half-tone or screening process; and

(C) Be set apart from any other printed matter. No text may be before, after, or immediately adjacent to the information required by (a) of this subsection; or

(ii) In a communication transmitted via television or another medium that includes a visual image or audio:

(A) Be clearly spoken; or

(B) Appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height on a solid black background on the entire bottom one-third of the television or visual display screen, or bottom one-fourth of the screen if the sponsor does not have or is otherwise not required to list its top five contributors, and have a reasonable color contrast with the background.

(6) The commission is authorized to adopt rules, as needed, to prevent ways to circumvent the purposes of the required disclosures in this section or otherwise in conformance with the policies and purposes of this chapter."

On page 1, line 1 of the title, after "to" strike the remainder of the title and

insert "improving transparency in grass roots lobbying disclosure; and amending RCW 42.17A.640."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1317 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Abbarno spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1317, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1317, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, 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, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1317, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, April 12, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1390, with the following amendment(s): 1390-S2 AMS ENET S2731.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that building decarbonization is necessary to achieve the state's climate goals. Washington is a member of the national building performance standards coalition and is leading the nation with existing building performance standards. District energy policy could be used in coordination with any future statewide building performance standards policies to

reduce commercial and large state-owned building emissions.

Due to the increased prevalence of extreme summer heat events, the ability to cool space at our state-run campus facilities, including correctional facilities, is an essential function of maintaining humane living, working, and learning conditions.

Upgrading existing district energy systems has great potential to increase efficiency, oftentimes more so than a building-by-building approach.

Upgrading and constructing district energy systems will employ skilled labor, including trades that have historically performed work on fossil fuel energy sources. This work will be an important part of a just transition to a clean energy economy.

For state-owned facilities connected to district energy systems, the legislature recognizes that it may take years, multiple budget cycles, and commitments as anchor customers to develop and upgrade campus district energy systems, but remains committed to steadily investing in plans developed by these agencies and their selected providers. Having plans for multiyear customer commitments or spending programs will set the state and private sector up well for applying for federal grants and resources and to appropriately plan capital, operating, and climate commitment act funding for these investments over time.

NEW SECTION. Sec. 2. A new section is added to chapter 19.27A RCW to read as follows:

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

(a) "Campus" means a collection of buildings served by a district heating, cooling, water reuse, or power system.

(b) "Campus district energy system" means a district energy system that provides heating, cooling, or heating and cooling to a campus through a distributed system providing steam, hot water, or cool water to three or more buildings with more than 100,000 square feet of combined conditioned space, where the system and all connected buildings are owned by:

(i) A single entity;

(ii) A public-private partnership in which a private entity owns the systems providing heating, cooling, or heating and cooling to buildings owned by one public entity; or

(iii) Two private entities in which one private entity owns the connected buildings and another private entity owns the system providing heating, cooling, or heating and cooling to the buildings.

(c) "State campus district energy system" means a district energy system that provides heating, cooling, or heating and cooling to a campus through a distributed system providing steam, hot water, or cool water to five or more buildings with more than 100,000 square feet of combined conditioned space, where the system and all connected buildings are owned by the state of

Washington or by a public-private partnership including one public buildings owner and one private entity.

(2)(a) The owner of a state campus district energy system must develop a decarbonization plan that provides a strategy for up to 15 years for the state campus district energy system. The department of commerce may approve a decarbonization plan that is based on a planning time frame longer than 15 years. The decarbonization plan must include:

(i) Mechanisms to replace fossil fuels in the heating plants, including a schedule for replacement;

(ii) An evaluation of possible options to partner with nearby sources and uses of waste heat and cooling;

(iii) An examination of opportunities to add buildings or other facilities to the system once it is decarbonized, a strategy to incentivize growth of a decarbonized system, and requirements for facilities joining the system; and

(iv) An evaluation, prioritization, and scheduled plan of reducing energy use through conservation efforts both at the central plant and in the buildings connected to district energy systems that results in meeting the campus energy use intensity target.

(b) The owner of a state campus district energy system is encouraged to include the following considerations in a decarbonization plan:

(i) Distribution network upgrades;

(ii) On-site energy storage facilities;

(iii) Space cooling for residential facilities;

(iv) Labor and workforce, including state registered apprenticeship utilization;

(v) Options for public-private partnerships;

(vi) Incorporation of industrial symbiosis projects or networks as described in chapter 308, Laws of 2021.

(c) The owner of a state campus district energy system must consult with the electric utility and the natural gas utility serving the site of the system during decarbonization plan development.

(3)(a) The owner of a state campus district energy system must begin developing a decarbonization plan by June 30, 2024, and must submit a final decarbonization plan to the department of commerce by June 30, 2025.

(b) Upon submittal to the department of commerce, decarbonization plans must be reviewed and approved by the department of commerce. The department of commerce may ask for a decarbonization plan to be revised and resubmitted if it does not meet standards as determined by the department of commerce.

(c) Every five years after June 30, 2025, the owner of a state campus district energy system must resubmit the decarbonization plan, along with a progress report on the implementation of the decarbonization plan, to the department of commerce.

(4) The department of commerce must provide a summary report on the decarbonization plans required in subsection (3) of this section to the governor and the appropriate committees of the legislature by December 1, 2025.

(5) The owner of a state campus district energy system is not required to meet the energy use intensity target in all the connected buildings that are heated, cooled, or heated and cooled by the system, or to conduct an investment grade audit, or to otherwise comply with the state energy performance standard requirements in RCW 19.27A.200 through 19.27A.250 if the following conditions for an alternative compliance pathway are met:

(a) The owner of a state campus district energy system is implementing a department of commerce-approved decarbonization plan or has fully implemented a department of commerce-approved decarbonization plan for the state campus district energy system and all of its connected buildings that, when fully implemented, meets the energy use intensity target established for the campus at the time of required measurement and verification. The owner may apply for phased implementation through conditional compliance in accordance with requirements of the decarbonization plan;

(b) The owner of the state campus district energy system meets the benchmarking, energy management, and operations and maintenance planning requirements under RCW 19.27A.200 through 19.27A.250 for the state campus district energy system and all of its connected buildings; and

(c) The owner of a state campus district energy system submits a request to the department of commerce once during every five-year compliance cycle as part of documentation submitted in accordance with RCW 19.27A.210(7), and the department of commerce approves the request.

(6) The owner of a campus district energy system may submit a request to the department of commerce to opt-in to the process for approval of an alternative compliance pathway as outlined in this section. If approved by the department of commerce, the campus district energy system must follow all of the requirements outlined for a state campus district energy system in this section, and the department of commerce must apply all authorities granted under this section for state campus district energy systems to such a campus district energy system.

Sec. 3. RCW 19.27A.210 and 2021 c 65 s 19 are each amended to read as follows:

(1)(a) By November 1, 2020, the department must establish by rule a state energy performance standard for covered commercial buildings.

(b) In developing energy performance standards, the department shall seek to maximize reductions of greenhouse gas emissions from the building sector. The standard must include energy use intensity targets by building type and methods of conditional compliance that include an energy management plan, operations and maintenance program, energy efficiency audits, and investment in energy efficiency measures designed to meet the targets. The department shall use ANSI/ASHRAE/IES standard 100-2018 as an initial model for standard development. The department must

update the standard by July 1, 2029, and every five years thereafter. Prior to the adoption or update of the standard, the department must identify the sources of information it relied upon, including peer-reviewed science.

(2) In establishing the standard under subsection (1) of this section, the department:

(a) Must develop energy use intensity targets that are no greater than the average energy use intensity for the covered commercial building occupancy type with adjustments for unique energy using features. The department must also develop energy use intensity targets for additional property types eligible for incentives in RCW 19.27A.220. The department must consider regional and local building energy utilization data, such as existing energy star benchmarking data, in establishing targets for the standard. Energy use intensity targets must be developed for two or more climate zones and be representative of energy use in a normal weather year;

(b) May consider building occupancy classifications from ANSI/ASHRAE/IES standard 100-2018 and the United States environmental protection agency's energy star portfolio manager when developing energy use intensity targets;

(c) May implement lower energy use intensity targets for more recently built covered commercial buildings based on the state energy code in place when the buildings were constructed;

(d)(i) Must adopt a conditional compliance method that ensures that covered commercial buildings that do not meet the specified energy use intensity targets are taking action to achieve reduction in energy use, including investment criteria for conditional compliance that ensure that energy efficiency measures identified by energy audits are implemented to achieve a covered commercial building's energy use intensity target. The investment criteria must require that a building owner adopt an implementation plan to meet the energy intensity target or implement an optimized bundle of energy efficiency measures that provides maximum energy savings without resulting in a savings-to-investment ratio of less than 1.0, except as exempted in (d)(ii) of this subsection. The implementation plan must be based on an investment grade energy audit and a life-cycle cost analysis that accounts for the period during which a bundle of measures will provide savings. The building owner's cost for implementing energy efficiency measures must reflect net cost, excluding any costs covered by utility or government grants. The implementation plan may exclude measures that do not pay for themselves over the useful life of the measure and measures excluded under (d)(ii) of this subsection. The implementation plan may include phased implementation such that the building owner is not required to replace a system or equipment before the end of the system or equipment's useful life;

(ii) For those buildings or structures that are listed in the state or national register of historic places; designated as a historic property under local or state designation law or survey; certified as a

contributing resource with a national register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the national or state registers of historic places either individually or as a contributing building to a historic district by the state historic preservation officer or the keeper of the national register of historic places, no individual energy efficiency requirement need be met that would compromise the historical integrity of a building or part of a building;

(e) Must provide an alternative compliance pathway for an owner of a state campus district energy system, in accordance with section 2 of this act, and more broadly for the owner of any campus district energy system that is approved by the department to opt-in in accordance with section 2(6) of this act;

(f) Must guarantee that the owner of a state campus district energy system is not required to implement more than one energy management plan and more than one operations and maintenance plan for the campus;

(g) Must guarantee that a state campus district energy system, as defined in section 2 of this act, and all buildings connected to a state campus district energy system, are in compliance with any requirements for campus buildings to implement energy efficiency measures identified by an energy audit if:

(i) The energy audit demonstrates the energy savings from the state campus district energy system energy efficiency measures will be greater than the energy efficiency measures identified for the campus buildings; and

(ii) The state campus district energy system implements the energy efficiency measures.

(3) Based on records obtained from each county assessor and other available information sources, the department must create a database of covered commercial buildings and building owners required to comply with the standard established in accordance with this section.

(4) By July 1, 2021, the department must provide the owners of covered buildings with notification of compliance requirements.

(5) The department must develop a method for administering compliance reports from building owners.

(6) The department must provide a customer support program to building owners including, but not limited to, outreach and informational material, periodic training, phone and email support, and other technical assistance.

(7) The building owner of a covered commercial building must report the building owner's compliance with the standard to the department in accordance with the schedule established under subsection (8) of this section and every five years thereafter. For each reporting date, the building owner must submit documentation to demonstrate that:

(a) The weather normalized energy use intensity of the covered commercial building measured in the previous calendar year is less than or equal to the energy use intensity target; or

(b) The covered commercial building has received conditional compliance from the department based on energy efficiency actions prescribed by the standard; or

(c) The covered commercial building is exempt from the standard by demonstrating that the building meets one of the following criteria:

(i) The building did not have a certificate of occupancy or temporary certificate of occupancy for all ~~((twelve))~~ 12 months of the calendar year prior to the building owner compliance schedule established under subsection (8) of this section;

(ii) The building did not have an average physical occupancy of at least ~~((fifty))~~ 50 percent throughout the calendar year prior to the building owner compliance schedule established under subsection (8) of this section;

(iii) The sum of the building's gross floor area minus unconditioned and semiconditioned spaces, as defined in the Washington state energy code, is less than ~~((fifty thousand))~~ 50,000 square feet;

(iv) The primary use of the building is manufacturing or other industrial purposes, as defined under the following use designations of the international building code: (A) Factory group F; or (B) high hazard group H;

(v) The building is an agricultural structure; or

(vi) The building meets at least one of the following conditions of financial hardship: (A) The building had arrears of property taxes or water or wastewater charges that resulted in the building's inclusion, within the prior two years, on a city's or county's annual tax lien sale list; (B) the building has a court appointed receiver in control of the asset due to financial distress; (C) the building is owned by a financial institution through default by a borrower; (D) the building has been acquired by a deed in lieu of foreclosure within the previous ~~((twenty-four))~~ 24 months; (E) the building has a senior mortgage subject to a notice of default; or (F) other conditions of financial hardship identified by the department by rule.

(8) A building owner of a covered commercial building must meet the following reporting schedule for complying with the standard established under this section:

(a) For a building with more than ~~((two hundred twenty thousand))~~ 220,000 gross square feet, June 1, 2026;

(b) For a building with more than ~~((ninety thousand))~~ 90,000 gross square feet but less than ~~((two hundred twenty thousand and one))~~ 220,001 gross square feet, June 1, 2027; and

(c) For a building with more than ~~((fifty thousand))~~ 50,000 gross square feet but less than ~~((ninety thousand and one))~~ 90,001 square feet, June 1, 2028.

(9)(a) The department may issue a notice of violation to a building owner for noncompliance with the requirements of this section. A determination of noncompliance may be made for any of the following reasons:

(i) Failure to submit a compliance report in the form and manner prescribed by the department;

(ii) Failure to meet an energy use intensity target or failure to receive conditional compliance approval;

(iii) Failure to provide accurate reporting consistent with the requirements of the standard established under this section; and

(iv) Failure to provide a valid exemption certificate.

(b) In order to create consistency with the implementation of the standard and rules adopted under this section, the department must reply and cite the section of law, code, or standard in a notice of violation for noncompliance with the requirements of this section when requested to do so by the building owner or the building owner's agent.

(10) The department is authorized to impose an administrative penalty upon a building owner for failing to submit documentation demonstrating compliance with the requirements of this section. The penalty may not exceed an amount equal to ~~((five thousand dollars))~~ \$5,000 plus an amount based on the duration of any continuing violation. The additional amount for a continuing violation may not exceed a daily amount equal to ~~((one dollar))~~ \$1 per year per gross square foot of floor area. The department may by rule increase the maximum penalty rates to adjust for the effects of inflation.

(11) Administrative penalties collected under this section must be deposited into the low-income weatherization and structural rehabilitation assistance account created in RCW 70A.35.030.

(12) The department must adopt rules as necessary to implement this section, including but not limited to:

(a) Rules necessary to ensure timely, accurate, and complete reporting of building energy performance for all covered commercial buildings;

(b) Rules necessary to enforce the standard established under this section; and

(c) Rules that provide a mechanism for appeal of any administrative penalty imposed by the department under this section.

(13) Upon request by the department, each county assessor must provide property data from existing records to the department as necessary to implement this section.

(14) By January 15, 2022, and each year thereafter through 2029, the department must submit a report to the governor and the appropriate committees of the legislature on the implementation of the state energy performance standard established under this section. The report must include information regarding the adoption of the ANSI/ASHRAE/IES standard 100-2018 as an initial model, the financial impact to building owners required to comply with the standard, the amount of incentives provided under RCW 19.27A.220 and 19.27A.230, and any other significant information associated with the implementation of this section."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 19.27A.210; adding

a new section to chapter 19.27A RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1390 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1390, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1390, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Couture, Dent, Graham, Volz and Ybarra

Excused: Representatives Chandler and Ortiz-Self

SECOND SUBSTITUTE HOUSE BILL NO. 1390, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498, with the following amendment(s): 1498-S.E AMS AWP S1939.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Local and tribal fire departments in the state of Washington serve as frontline responders to wildland fires. The fire chief of each local fire department with jurisdiction over wildland fires is tasked with making rapid decisions, especially during the summer months when weather conditions can cause fires to rapidly enlarge. Flashy fuels, especially during times of low humidity, can be ignited by a single spark and erupt into

a rapidly moving incident that can quickly destroy rangelands, ripe dryland crops, and timberlands.

(2) Local fire departments need immediate access to local aviation resources that are certified to fly and drop fire retardants and water to suppress or extinguish wildland fires quickly. The use of aviation assets has proven to be a valuable tool to prevent many wildland fires from growing large and requiring the response of state mobilization and prevent the deployment of state and federal fire agencies and their mobilization partner agencies.

(3) Further, the strategic use of aviation assets in initial attack, or at times when conditions on the ground may warrant additional air support, can prevent fires from becoming uncontrollable. Local fire departments that use aviation assets on initial attack can prevent most fires from requiring a state mobilization. Providing financial assurances for local fire departments to deploy aviation assets will provide greater protection to our state's natural resources, air quality, and communities.

(4) The legislature intends to provide suppression funding to the department of natural resources to support local fire departments in the use of aviation resources certified and trained to operate in wildland fires and drop fire retardant or water to suppress or extinguish fires as an initial attack strategy. Deployment and air operations command will be conducted at the direction of trained air operations commanders.

(5) The legislature intends to authorize the department of natural resources to provide aviation resources to local fire departments statewide for use during the initial attack of wildland fires in order to provide assurance that local fire departments will have sufficient financial capacity to effectively control wildland fires throughout the length of the fire season. Having assurance that local fire departments can afford to use aircraft under conditions that would warrant their use and at the discretion of the local fire department chief will incentivize the use of aircraft more quickly in order to rapidly suppress the fire and minimize damage to lands, resources, and structures, while protecting regional air quality.

NEW SECTION. Sec. 2. A new section is added to chapter 76.04 RCW to read as follows:

(1) The department shall prepare and submit, consistent with RCW 43.01.036, an appendix on aviation usage by local fire departments for initial attack as a part of its annual wildfire report to the standing committees of the legislature with jurisdiction over wildland firefighting. The department shall submit the report by December 1st of each year. The report must address, at a minimum, the following topics:

(a) The dollar value of funding utilized by local fire departments for initial attack aviation during the year;

(b) The specific local fire departments that utilized this funding during the year;

(c) The wildland fires on which suppression funding was utilized to provide local fire departments initial attack aviation resources during the year, including names, locations, and sizes of fires, and amount of funding utilized on each of the fires; and

(d) A review of lessons learned related to aviation use by local fire departments for initial attack based on the preceding fire season, along with recommendations for future improvements to the wildland fire response process based on the lessons learned.

(2) The department shall consult with the state fire defense committee, fire service representatives, and the state fire marshal's office annually to review aviation program performance and determine aviation needs for the following fire year.

NEW SECTION. Sec. 3. A new section is added to chapter 76.04 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must use suppression funding to assist local fire departments with aerial fire response capabilities during the critical initial attack phase of fighting a wildland fire.

(2) The department must use suppression funding to assist local fire departments with initial attacks that meet the following requirements:

(a) The local fire department must have entered into a response agreement with the department;

(b) The local fire department must provide documentation to the department that personnel have received training regarding the use of aviation assets in initial attack and criteria to use for determining when to call for aviation assets;

(c) The aviation assets used in initial attack must come from a list of private contractors approved by the department on exclusive use or call-when-needed agreements based upon the annual review of aviation response and aviation needs required in section 2(2) of this act;

(d) Local fire departments must make direct requests to the appropriate coordination center, including the central Washington interagency coordination center, the northeast Washington interagency coordination center, the Blue Mountain interagency coordination center, or the department of natural resources coordination center, in order to ensure the safe coordination of all aircraft; and

(e) Upon receiving a request for aviation assets under this section, the coordinating agency must notify the director of fire protection or that individual's designee to ensure operational knowledge of a potential future request to invoke the fire service mobilization plan under RCW 43.43.960.

NEW SECTION. Sec. 4. (1) The department of natural resources shall convene a work group composed of wildfire aviation subject matter experts, fire service representatives from the Washington fire chiefs association, the Washington

state council of firefighters, the Washington state firefighters' association, the Washington state fire commissioners association, wildland fire management staff, and other partners to evaluate the costs and benefits of a state certification program for aircraft and pilots used in wildfire suppression.

(2) The department of natural resources shall include the findings of the work group in a report to be submitted to the wildfire advisory committee and appropriate committees of the legislature by December 1, 2025.

NEW SECTION. **Sec. 5.** This act expires July 1, 2027."

On page 1, line 2 of the title, after "fires;" strike the remainder of the title and insert "adding new sections to chapter 76.04 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1498, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1498, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, April 6, 2023

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1599, with the following amendment(s): 1599 AMS LAW S2712.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.620 and 2018 c 201 s 3028 are each amended to read as follows:

(1) The files and records of court proceedings under this chapter and chapter 71.34 RCW shall be closed but shall be accessible to:

- (a) The department;
- (b) The department of social and health services;
- (c) The authority;
- (d) The state hospitals as defined in RCW 72.23.010;
- (e) Any person who is the subject of a petition;
- (f) The attorney or guardian of the person;
- (g) Resource management services for that person; ~~((and))~~
- (h) Service providers authorized to receive such information by resource management services; and

(i) The Washington state patrol firearms background division to conduct background checks for processing and purchasing firearms, concealed pistol licenses, alien firearms licenses, firearm rights restoration petitions under chapter 9.41 RCW, and release of firearms from evidence, including appeals of denial.

(2) The authority shall adopt rules to implement this section."

On page 1, line 2 of the title, after "checks;" strike the remainder of the title and insert "and amending RCW 71.05.620."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1599 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1599, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1599, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan,

Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

HOUSE BILL NO. 1599, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, April 11, 2023

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1639, with the following amendment(s): 1639-S2 AMS WM S2961.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2021 c 20 s 3 (uncodified) is amended to read as follows:

(1) The Billy Frank Jr. national statutory hall selection committee is established to represent the state in the duties set forth under subsection (3) of this section.

(2) (a) The committee shall consist of the following members:

(i) ~~((The governor or the governor's designee;~~

~~((ii))~~ The lieutenant governor;

~~((iii))~~ The speaker of the house of representatives;

~~((iv))~~ The minority leader of both the senate and house of representatives;

~~((v))~~ Two members)) (ii) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house and the minority leader;

(iii) One member from each of the two largest caucuses in the senate, appointed by the majority leader and the minority leader;

(iv) One member who represents the western Washington treaty tribes, appointed by the governor. The governor shall solicit from the northwest Indian fisheries commission a list of at least three nominees representing the western Washington treaty tribes and, in making the appointment, shall consider the list of nominees submitted;

~~((vi))~~ One member representing an environmental, conservation, or environmental justice nonprofit organization, appointed by the governor;

~~((vii))~~ (v) One member from Billy Frank Jr.'s family, appointed by the governor;

~~((viii))~~ One member from the Washington state legacy project, created under RCW 43.07.363;

~~((ix))~~ (vi) One member from the division of archives and records management, established under RCW 40.14.020;

~~((x))~~ (vii) One member from the Washington state historical society; and

~~((xi))~~ One member from the Washington state department of archaeology and historie preservation; and

~~((xii))~~ (viii) One member from the Washington state arts commission.

(b) The members described in (a) of this subsection shall select ~~((a chair))~~ three cochairs of the committee.

(3) Upon the approval of the request under section 2, chapter 20, Laws of 2021 by the joint committee on the library of congress, the governor shall convene the committee, and the committee shall:

(a) Enter into an agreement with the architect of the United States capitol pursuant to 2 U.S.C. Sec. 2132 to carry out the replacement of the statues as described in chapter 20, Laws of 2021;

(b) Select and contract with a sculptor to design and carve or cast a statue of Billy Frank Jr., and design and fabricate its pedestal, to be placed in the national statutory hall collection;

~~((Ensure))~~ Support and oversee the design and creation of the statue of Billy Frank Jr., and ensure that the statue designed and created under (b) of this subsection complies with the conditions and restrictions set forth under 2 U.S.C. Sec. 2131;

(d) Support and oversee all communications, public relations, outreach, and educational materials related to the design, creation, and unveiling of the statue. The committee may enter into an agreement with a qualified communications firm or organization as necessary to accomplish this task;

(e) Arrange, in coordination with the sculptor and the department of enterprise services, for a duplicate cast of the statue to be created and installed at the legislative building on the capitol campus in Olympia;

(f) Arrange, in coordination with the architect of the United States capitol, for the removal and transportation of the Marcus Whitman statue to Washington, and arrange for an unveiling ceremony at the relocation site as selected in accordance with section 4, chapter 20, Laws of 2021;

~~((e))~~ (g) Arrange for the transportation and placement of the Billy Frank Jr. statue in the national statutory hall, in coordination with the architect of the United States capitol;

~~((f))~~ (h) Arrange for one or more ceremonies to celebrate the unveiling of the Billy Frank Jr. statues in the national statutory hall and on the capitol campus. The ceremonies may take place in Washington state, the United States capitol, or both; and

~~((g))~~ (i) Perform all other matters and things necessary to carry out the purpose and provisions of this section.

(4) The committee shall enter into an agreement with the Nisqually tribe, of which Billy Frank Jr. was a member, to provide cultural competency to the committee as it carries out its duties under this section, and to any state agencies involved in implementation of this section. The tribe shall be compensated for its services under this subsection.

(5) The committee and the Washington state historical society may solicit and accept gifts, grants, or endowments from public and private sources that are made in trust or otherwise for the use and benefit of the purposes of the committee in carrying

out chapter 20, Laws of 2021. The committee may spend gifts, grants, or endowments or income from public or private sources according to their terms. All receipts from gifts, grants, and endowments received pursuant to this subsection must be deposited in the Billy Frank Jr. national statutory hall collection fund established under RCW 43.08.800.

~~((5) No general fund resources may be expended to implement this section.))~~

(6) The implementation of this section shall first be funded through moneys in the Billy Frank Jr. national statutory hall collection fund. Any additional funding necessary may be provided from the state general fund. Any funds remaining in the Billy Frank Jr. national statutory hall collection fund upon completion of the tasks described under chapter 20, Laws of 2021, must be granted to the Washington state historical society.

(7) The Washington state arts commission may submit expenses for reimbursement to the committee for providing administrative support to the committee, coordinating and overseeing artist selection, and managing procurements.

(8) For the purposes of this section, "committee" means the Billy Frank Jr. national statutory hall selection committee.

Sec. 2. RCW 43.79A.040 and 2022 c 244 s 3, 2022 c 206 s 8, 2022 c 183 s 16, and 2022 c 162 s 6 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 ~~((enhanced))~~ 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation revolving loan program account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account,

the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the Washington student loan account, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive 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. 3. RCW 1.16.050 and 2021 c 295 s 2 are each amended to read as follows:

(1) The following are state legal holidays:

(a) Sunday;

(b) The first day of January, commonly called New Year's Day;

(c) The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;

(d) The third Monday of February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;

(e) The last Monday of May, commonly known as Memorial Day;

(f) The nineteenth day of June, recognized as Juneteenth, a day of remembrance for the day the African slaves learned of their freedom;

(g) The fourth day of July, the anniversary of the Declaration of Independence;

(h) The first Monday in September, to be known as Labor Day;

(i) The eleventh day of November, to be known as Veterans' Day;

(j) The fourth Thursday in November, to be known as Thanksgiving Day;

(k) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and

(1) The twenty-fifth day of December, commonly called Christmas Day.

(2) Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for in this section after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

(3) Employees of the state and its political subdivisions, including employees of school districts and those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. This includes employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs. The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority. If an employee prefers to take the two unpaid holidays on specific days for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, the employer must allow the employee to do so unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. Undue hardship shall have the meaning established in rule by the office of financial management under RCW 43.41.109.

(4) If any of the state legal holidays specified in this section are also federal legal holidays but observed on different dates, only the state legal holidays are recognized as a paid legal holiday for employees of the state and its political subdivisions. However, for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday is recognized as a paid legal holiday, but in no case may both holidays be recognized as a paid legal holiday for employees.

(5) Whenever any state legal holiday:

(a) Other than Sunday, falls upon a Sunday, the following Monday is the legal holiday; or

(b) Falls upon a Saturday, the preceding Friday is the legal holiday.

(6) Nothing in this section may be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

(7) The legislature declares that the following days are recognized as provided in this subsection, but may not be considered legal holidays for any purpose:

(a) The thirteenth day of January, recognized as Korean-American day;

(b) The twelfth day of October, recognized as Columbus day;

(c) The ninth day of April, recognized as former prisoner of war recognition day;

(d) The twenty-sixth day of January, recognized as Washington army and air national guard day;

(e) The seventh day of August, recognized as purple heart recipient recognition day;

(f) The second Sunday in October, recognized as Washington state children's day;

(g) The sixteenth day of April, recognized as Mother Joseph day;

(h) The fourth day of September, recognized as Marcus Whitman day;

(i) The seventh day of December, recognized as Pearl Harbor remembrance day;

(j) The twenty-seventh day of July, recognized as national Korean war veterans armistice day;

(k) The nineteenth day of February, recognized as civil liberties day of remembrance;

(l) The thirtieth day of March, recognized as welcome home Vietnam veterans day;

(m) The eleventh day of January, recognized as human trafficking awareness day;

(n) The thirty-first day of March, recognized as Cesar Chavez day;

(o) The tenth day of April, recognized as Dolores Huerta day;

(p) The fourth Saturday of September, recognized as public lands day; ~~((and))~~

(q) The eighteenth day of December, recognized as blood donor day; and

(r) The ninth day of March, recognized as Billy Frank Jr. day.

NEW SECTION. Sec. 4. A new section is added to chapter 42.52 RCW to read as follows:

This chapter does not prohibit the members of the Billy Frank Jr. national statutory hall selection committee, members of the legislature, when outside the period in which solicitation of contributions is prohibited by RCW 42.17A.560, or employees of the Washington state historical society from soliciting contributions for the purposes established in chapter 20, Laws of 2021, and for deposit into the Billy Frank Jr. national statutory hall collection fund created in RCW 43.08.800.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "committee;" strike the remainder of the title and insert "amending RCW 1.16.050; amending 2021 c 20 s 3 (uncodified); reenacting and amending RCW 43.79A.040; adding a new section to chapter 42.52 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1639 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1639, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1639, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

SECOND SUBSTITUTE HOUSE BILL NO. 1639, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1779, with the following amendment(s): 1779-S AMS ENET S1156.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that carbon monoxide poisoning kills at least 430 people in the United States

every year and 50,000 people seek medical care to treat the adverse effects of carbon monoxide poisoning. Carbon monoxide gas is odorless and colorless, making it difficult for people to protect themselves and detect an issue that can cause sudden illness, death, and lifelong disability. Washington state has already enacted requirements for carbon monoxide alarms in residences. Therefore, the legislature intends to direct state agencies to collaborate on a study of what Washington state is doing to prevent carbon monoxide poisoning from sources outside of the home and what the state might reasonably do to keep people safe.

NEW SECTION. Sec. 2. (1) By September 1, 2023, the department of health must convene an interagency carbon monoxide work group consisting of representatives of the department of ecology, the Washington state patrol, and the office of the attorney general. The interagency carbon monoxide work group must nominate a chair and the chair may designate up to two additional participants with subject matter expertise to participate on the work group.

(2) The purpose of the interagency carbon monoxide work group is to produce a report regarding current and recommended future state agency activities to:

(a) Prevent carbon monoxide poisoning from sources outside of the home;

(b) Increase awareness of carbon monoxide among the most at-risk populations;

(c) Collect data on the number of incidents of carbon monoxide poisoning and their causes in Washington, in order to track the reduction of such incidents over time; and

(d) Identify any opportunities to seek federal grants or other sources of funding available for public awareness campaigns related to carbon monoxide harm avoidance.

(3) The interagency carbon monoxide work group must submit a report to the appropriate committees of the legislature and the governor by December 1, 2024, that contains recommendations on new policy changes and other actions that could be taken to reduce carbon monoxide poisoning in Washington.

(4) This section expires July 1, 2026.

NEW SECTION. Sec. 3. This act may be known and cited as Mary's law."

On page 1, beginning on line 2 of the title, after "health;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1779 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1779, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1779, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1779, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Monday, April 10, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1804, with the following amendment(s): 1804-S AMS WM S2310.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.05.080 and 2018 c 260 s 15 are each amended to read as follows:

(1) Under the qualifications, terms, conditions, and benefits set by the public employees' benefits board:

(a) (i) Retired or disabled state employees, retired or disabled school employees, retired or disabled employees of ~~((county, municipal, or other political subdivisions, or retired or disabled employees of tribal governments))~~ employer groups covered by this chapter may continue their participation in insurance plans and contracts after retirement or disablement.

(ii) The retired or disabled employees of employer groups whose contractual agreement with the authority terminates may continue their participation in insurance plans and contracts after the contractual agreement is terminated. The retired or disabled employees of employer groups whose contractual agreement with the authority terminates are not eligible for any subsidy provided under RCW 41.05.085;

(b) Separated employees may continue their participation in insurance plans and contracts if participation is selected immediately upon separation from employment;

(c) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty may participate in insurance plans and contracts.

(2) Rates charged surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or dependent children who are not eligible for parts A and B of medicare shall be based on the experience of the community-rated risk pool established under RCW 41.05.022.

(3) Rates charged to surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or children who are eligible for parts A and B of medicare shall be calculated from a separate experience risk pool comprised only of individuals eligible for parts A and B of medicare; however, the premiums charged to medicare-eligible retirees and disabled employees shall be reduced by the amount of the subsidy provided under RCW 41.05.085, except as provided in subsection (1)(a)(ii) of this section.

(4) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty and retired or disabled and separated employees shall be responsible for payment of premium rates developed by the authority which shall include the cost to the authority of providing insurance coverage including any amounts necessary for reserves and administration in accordance with this chapter. These self pay rates will be established based on a separate rate for the employee, the spouse, state registered domestic partners, and the children.

(5) The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) Employer groups that enter into a contractual agreement with the authority after the effective date of this section and whose contractual agreement with the authority is subsequently terminated, shall make a one-time payment as calculated in subsection (2) of this section to the authority for each of the employer group's retired or disabled employees who continue their participation in insurance plans and contracts under RCW 41.05.080(1)(a)(ii).

(2) For each of the employer group's retired or disabled employees who will be continuing their participation, the authority shall determine the one-time payment amount by calculating the difference in cost between the rate charged to retired or disabled employees under RCW 41.05.080(2) and the actuarially determined value of the medical benefits for retired and disabled employees who are not eligible for parts A

and B of medicare, and then multiplying that difference by the number of months until the retired or disabled employee would become eligible for medicare.

(3) Employer groups shall not be entitled to any refund of the amount paid to the authority under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

Any retired or disabled employee whose participation in insurance plans or contracts under RCW 41.05.080(1)(a)(i) ended due to the termination of the contractual agreement between the authority and an employer group on or before January 1, 2023, must be allowed to return and participate in insurance plans and contracts as described in RCW 41.05.080(1)(a)(ii) so long as the retired or disabled employee notifies the health care authority in writing by December 31, 2023, after which participation will begin on the first day of the month following the date the authority receives the retired or disabled employee's written notice.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "subdivisions;" strike the remainder of the title and insert "amending RCW 41.05.080; adding new sections to chapter 41.05 RCW; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1804 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1804, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1804, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

SUBSTITUTE HOUSE BILL NO. 1804, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, April 7, 2023

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143, with the following amendment(s): 1143-S2.E AMS LAW S2294.4

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.090 and 2019 c 3 s 3 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a ~~((pistol))~~ firearm to the purchaser thereof until:

(a) ~~The purchaser ((produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (6) of this section. For purposes of this subsection (1)(a), a "valid concealed pistol license" does not include a temporary emergency license, and does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance))~~ provides proof of completion of a recognized firearm safety training program within the last five years that complies with the requirements in section 2 of this act, or proof that the purchaser is exempt from the training requirement;

(b) ~~The dealer is notified ((in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state))~~ by the Washington state patrol firearms background check program that the purchaser is eligible to possess a firearm under ((RCW 9.41.040, as provided in subsection (3)(b) of this section; or)) state and federal law; and

(c) ~~The requirements ((or))~~ and time periods in RCW 9.41.092 have been satisfied.

(2) ~~((In addition to the other requirements of this chapter, no dealer may deliver a semiautomatic assault rifle to the purchaser thereof until:~~

(a) ~~The purchaser provides proof that he or she has completed a recognized firearm safety training program within the last five years that, at a minimum, includes instruction on:~~

(i) ~~Basic firearms safety rules;~~

~~(ii) Firearms and children, including secure gun storage and talking to children about gun safety;~~

~~(iii) Firearms and suicide prevention;~~

~~(iv) Secure gun storage to prevent unauthorized access and use;~~

~~(v) Safe handling of firearms; and~~

~~(vi) State and federal firearms laws, including prohibited firearms transfers.~~

~~The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury the training included the minimum requirements; and~~

~~(b) The dealer is notified in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a firearm under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in subsection (3)(b) of this section; or~~

~~(c) The requirements or time periods in RCW 9.41.092 have been satisfied.~~

~~(3)(a) Except as provided in (b) of this subsection, in))~~ In determining whether the purchaser ((meets the requirements of RCW 9.41.040)) is eligible to possess a firearm, the ((chief of police or sheriff, or the designee of either,)) Washington state patrol firearms background check program shall check with the ((national crime information center, including the)) national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic database, the health care authority electronic database, the administrative office of the courts, LInX-NW, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.

~~((b) The state, through the legislature or initiative process, may enact a statewide firearms background check system equivalent to, or more comprehensive than, the check required by (a) of this subsection to determine that a purchaser is eligible to possess a firearm under RCW 9.41.040. Once a state system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms.~~

~~(4) In any case under this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol or semiautomatic assault rifle until the warrant for arrest is served and satisfied by appropriate court~~

appearance. ~~The local jurisdiction for purposes of the sale, or the state pursuant to subsection (3)(b) of this section, shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol or semiautomatic assault rifle is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a firearm.~~

~~(5) In any case where the chief or sheriff of the local jurisdiction, or the state pursuant to subsection (3)(b) of this section, has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a firearm, the local jurisdiction or the state may hold the sale and delivery of the pistol or semiautomatic assault rifle up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court, superior court, or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement or the state and of any application to the court for additional hold period to confirm records or confirm the identity of the applicant.~~

~~(6)) (3)(a) At the time of applying for the purchase of a ((pistol or semiautomatic assault rifle)) firearm, the purchaser shall sign ((in triplicate)) and deliver to the dealer an application containing:~~

~~(i) His or her full name, residential address, date and place of birth, race, and gender;~~

~~(ii) The date and hour of the application;~~

~~(iii) The applicant's driver's license number or state identification card number;~~

~~(iv) A description of the ((pistol or semiautomatic assault rifle)) firearm including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of ((a pistol or semiautomatic assault rifle)) the firearm. If the manufacturer's number is not available at the time of applying for the purchase of a ((pistol or semiautomatic assault rifle)) firearm, the application may be processed, but delivery of the ((pistol or semiautomatic assault rifle)) firearm to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the ((chief of police of the municipality or the sheriff of the county in which the purchaser resides, or the state pursuant to subsection (3)(b) of this section)) Washington state patrol firearms background check program; and~~

~~(v) A statement that the purchaser is eligible to purchase and possess a firearm under state and federal law((, and~~

~~(vi) If purchasing a semiautomatic assault rifle, a statement by the applicant under penalty of perjury that the applicant has completed a recognized firearm safety training program within the last five years, as required by subsection (2) of this section)).~~

~~(b) The ((application)) dealer shall ((contain)) provide the applicant with information that contains two warnings substantially stated as follows:~~

~~(i) CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution; and~~

~~(ii) CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.~~

~~The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms and firearms safety.~~

~~(c) The dealer shall, by the end of the business day, ((sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsections (1) and (2) of this section to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to subsection (3)(b) of this section)) transmit the information from the application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The ((triplicate)) original application shall be retained by the dealer for six years.~~

~~(d) The dealer shall deliver the ((pistol or semiautomatic assault rifle)) firearm to the purchaser ((following)) once the requirements and period of time specified in this chapter ((unless the dealer is notified of an investigative hold under subsection (5) of this section in writing by the chief of police of the municipality, the sheriff of the county, or the state, whichever is applicable, or of the denial of the purchaser's application to purchase and the grounds thereof)) are satisfied. The application shall not be denied unless the purchaser is not eligible to purchase or possess the firearm under state or federal law or has not complied with the requirements of this section.~~

~~((d)) (e) The ((chief of police of the municipality or the sheriff of the county, or the state pursuant to subsection (3)(b) of this section,)) Washington state patrol firearms background check program shall retain or destroy applications to purchase a ((pistol or semiautomatic assault~~

rifle))firearm in accordance with the requirements of 18 U.S.C. Sec. 922.

~~((7)(a) To help offset the administrative costs of implementing this section as it relates to new requirements for semiautomatic assault rifles, the department of licensing may require the dealer to charge each semiautomatic assault rifle purchaser or transferee a fee not to exceed twenty-five dollars, except that the fee may be adjusted at the beginning of each biennium to levels not to exceed the percentage increase in the consumer price index for all urban consumers, CPI-W, or a successor index, for the previous biennium as calculated by the United States department of labor.~~

~~(b) The fee under (a) of this subsection shall be no more than is necessary to fund the following:~~

~~(i) The state for the cost of meeting its obligations under this section;~~

~~(ii) The health care authority, mental health institutions, and other health care facilities for state-mandated costs resulting from the reporting requirements imposed by RCW 9.41.097(1); and~~

~~(iii) Local law enforcement agencies for state-mandated local costs resulting from the requirements set forth under RCW 9.41.090 and this section.~~

~~(8)) (4) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm is guilty of false swearing under RCW 9A.72.040.~~

~~((9)) (5) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.~~

NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows:

(1) A person applying for the purchase or transfer of a firearm must provide proof of completion of a recognized firearms safety training program within the last five years that, at a minimum, includes instruction on:

(a) Basic firearms safety rules;

(b) Firearms and children, including secure gun storage and talking to children about gun safety;

(c) Firearms and suicide prevention;

(d) Secure gun storage to prevent unauthorized access and use;

(e) Safe handling of firearms;

(f) State and federal firearms laws, including prohibited firearms transfers and locations where firearms are prohibited;

(g) State laws pertaining to the use of deadly force for self-defense; and

(h) Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution.

(2) The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that

states under the penalty of perjury that the training included the minimum requirements.

(3) The training may include stories provided by individuals with lived experience in the topics listed in subsection (1)(a) through (g) of this section or an understanding of the legal and social impacts of discharging a firearm.

(4) The firearms safety training requirement of this section does not apply to:

(a) A person who is a:

(i) General authority Washington peace officer as defined in RCW 10.93.020;

(ii) Limited authority Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm;

(iii) Specially commissioned Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(iv) Federal peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(b) A person who is an active duty member of the armed forces of the United States, an active member of the national guard, or an active member of the armed forces reserves who, as part of the applicant's service, has completed, within the last five years, a course of training in firearms proficiency or familiarization that included training on the safe handling and shooting proficiency with firearms.

Sec. 3. RCW 9.41.047 and 2020 c 302 s 60 are each amended to read as follows:

(1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm under state or federal law, including if the person was convicted of possession under RCW 69.50.4011, 69.50.4013, 69.50.4014, or 69.41.030, or at the time a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for mental health treatment, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the convicting or committing court, or court that dismisses charges, shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity.

(b) The court shall forward within three judicial days after conviction, entry of the commitment order, or dismissal of charges, a copy of the person's driver's license or identicard, or comparable information such as their name, address, and date of birth, along with the date of conviction or commitment, or date charges are dismissed, to the department of licensing and to the Washington state patrol firearms background

check program. When a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for mental health treatment, or when a person's charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the court also shall forward, within three judicial days after entry of the commitment order, or dismissal of charges, a copy of the person's driver's license, or comparable information, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the department of licensing, the Washington state patrol firearms background check program, and the national instant criminal background check system is required.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person, or the person whose charges are dismissed based on incompetency to stand trial, has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or by reason of having been detained under RCW 71.05.150 or 71.05.153, or because the person's charges were dismissed based on incompetency to stand trial under RCW 10.77.088 and the court made a finding that the person has a history of one or more violent acts, may, upon discharge, petition the superior court to have his or her right to possess a firearm restored.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or dismissed the charges based on incompetency to stand trial or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) and (e) of this subsection, the court shall restore the petitioner's right to possess a firearm if the petitioner proves by a preponderance of the evidence that:

(i) The petitioner is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The petitioner has successfully managed the condition related to the commitment or detention or incompetency;

(iii) The petitioner no longer presents a substantial danger to himself or herself, or the public; and

(iv) The symptoms related to the commitment or detention or incompetency are not reasonably likely to recur.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning the court has engaged in violence and that it is more likely than not that the person will engage in violence after his or her right to possess a firearm is restored, the person shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.

(e) If the petitioner seeks restoration after having been detained under RCW 71.05.150 or 71.05.153, the state shall bear the burden of proof to show, by a preponderance of the evidence, that the petitioner does not meet the restoration criteria in (c) of this subsection.

(f) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the department of licensing and the Washington state patrol criminal records division, with a copy of the person's driver's license or identicard, or comparable identification such as their name, address, and date of birth, and to the health care authority, and the national instant criminal background check system index, denied persons file. In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the department of licensing shall forward notification of the restoration order to the licensing authority, which, upon receipt of such notification, shall immediately lift the suspension, restoring the person's concealed pistol license.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.040(4).

Sec. 4. RCW 9.41.092 and 2019 c 3 s 4 are each amended to read as follows:

~~((1))~~ Except as otherwise provided in this chapter ~~((and except for semiautomatic assault rifles under subsection (2) of this section))~~, a licensed dealer may not deliver any firearm to a purchaser or transferee until ~~((the earlier of))~~:

~~((a))~~ (1) The results of all required background checks are known and the purchaser or transferee ~~((i))~~ (a) is not prohibited from owning or possessing a firearm under federal or state law and ~~((ii))~~ (b) does not have a voluntary waiver of firearm rights currently in effect; ~~((or))~~ and

~~((b))~~ (2) Ten business days have elapsed from the date the licensed dealer requested the background check. ~~((However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state~~

~~identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.~~

~~(2) Except as otherwise provided in this chapter, a licensed dealer may not deliver a semiautomatic assault rifle to a purchaser or transferee until ten business days have elapsed from the date of the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated.)~~

Sec. 5. RCW 9.41.094 and 2019 c 3 s 7 are each amended to read as follows:

A signed application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release ~~((, to an inquiring court or law enforcement agency,))~~ information relevant to the applicant's eligibility to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm to an inquiring court ~~((or))~~, law enforcement agency, or the Washington state patrol firearms background check program.

Sec. 6. RCW 9.41.097 and 2019 c 3 s 8 are each amended to read as follows:

(1) The health care authority, mental health institutions, and other health care facilities shall, upon request of a court, law enforcement agency, or the state, supply such relevant information as is necessary to determine the eligibility of a person to possess a firearm ~~((or))~~, to be issued a concealed pistol license under RCW 9.41.070, or to purchase a ((pistol or semiautomatic assault rifle)) firearm under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law enforcement agency pursuant to subsection (1) of this section; or (e) the Washington state patrol firearms background check program pursuant to RCW 9.41.090, shall not be disclosed except as provided in RCW 42.56.240 (4).

Sec. 7. RCW 9.41.0975 and 2019 c 3 s 9 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license or alien firearm license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license or alien firearm license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license or alien firearm license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license or alien firearm license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license or alien firearm license wrongfully refused;

(b) Directing ~~((a law enforcement agency))~~ the Washington state patrol firearms background check program to approve an application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or alien firearm license or in the wrongful denial of a purchase application for a ~~((pistol or semiautomatic assault rifle))~~ firearm be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

The application for the writ may be made in the county in which the application for a concealed pistol license or alien firearm license or an application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

Sec. 8. RCW 9.41.110 and 2019 c 3 s 10 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

(4) The duly constituted licensing authorities of any city, town, or political

subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in ~~((RCW 9.41.010 through 9.41.810))~~ this chapter. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section.

(5)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

(b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of ~~((pistols or semiautomatic assault rifles))~~ firearms that are applicable to dealers.

(6)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.

(b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location is within Washington state and is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection (6)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and this section. The license of a dealer who fails to comply

with the requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

(7) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

(8)(a) No ~~((pistol or semiautomatic assault rifle))~~ firearm may be sold: (i) In violation of any provisions of ~~((RCW 9.41.010 through 9.41.810))~~ this chapter; nor (ii) ~~((may a pistol or semiautomatic assault rifle be sold))~~ under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

(c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the state general fund.

(9)(a) A true record ~~((in triplicate))~~ shall be made of every pistol or semiautomatic assault rifle sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he or she is not ineligible under state or federal law to possess a firearm. The dealer shall retain the transfer record for six years.

(b) ~~((One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to RCW 9.41.090; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.))~~ The dealer shall transmit the information from the firearm transfer application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The Washington state patrol firearms background check program shall transmit the application information for pistol and semiautomatic assault rifle transfer applications to the director of licensing daily. The original application

shall be retained by the dealer for six years.

(10) Subsections (2) through (9) of this section shall not apply to sales at wholesale.

(11) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted.

(12) Except as otherwise provided in ~~((RCW 9.41.090))~~this chapter, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

Sec. 9. RCW 9.41.1135 and 2020 c 28 s 4 are each amended to read as follows:

(1) Beginning on the date that is thirty days after the Washington state patrol issues a notification to dealers that a state firearms background check system is established within the Washington state patrol under RCW 43.43.580, a dealer shall use the Washington state patrol firearms background check ~~((system))~~program to conduct background checks for all firearms transfers. A dealer may not sell or transfer a firearm to an individual unless the dealer first contacts the Washington state patrol firearms background check program for a background check to determine the eligibility of the purchaser or transferee to possess a firearm under state and federal law and the requirements and time periods established in RCW 9.41.090 and 9.41.092 have been satisfied. ~~((When an applicant applies for the purchase or transfer of a pistol or semiautomatic assault rifle, a dealer shall comply with all requirements of this chapter that apply to the sale or transfer of a pistol or semiautomatic rifle. The purchase or transfer of a firearm that is not a pistol or semiautomatic assault rifle must be processed in the same manner and under the same requirements of this chapter that apply to the sale or transfer of a pistol, except that the provisions of RCW 9.41.129, and the requirement in RCW 9.41.110(9)(b) concerning transmitting application records to the director of licensing, shall not apply to these transactions.))~~

(2) A dealer shall charge a purchaser or transferee a background check fee in an amount determined by the Washington state patrol and remit the proceeds from the fee to the Washington state patrol on a monthly basis. The background check fee does not apply to any background check conducted in connection with a pawnbroker's receipt of a pawned firearm or the redemption of a pawned firearm.

(3) This section does not apply to sales or transfers to licensed dealers or to the sale or transfer of an antique firearm.

NEW SECTION. Sec. 10. 2019 c 244 s 1 is repealed.

NEW SECTION. Sec. 11. This act takes effect January 1, 2024.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

On page 1, line 6 of the title, after "procedures;" strike the remainder of the title and insert "amending RCW 9.41.090, 9.41.047, 9.41.092, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, and 9.41.1135; adding a new section to chapter 9.41 RCW; creating a new section; repealing 2019 c 244 s 1; and providing an effective date."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

MOTION

Representative Hansen moved that the House concur with the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143.

Representative Berry spoke in favor of the motion.

Representative Walsh spoke against the motion.

Division was demanded on the motion to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143 and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 52 - YEAS; 44 - NAYS.

SENATE AMENDMENT TO HOUSE BILL

The House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Walsh spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1143, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1143, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, 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, Bronoske, Caldier, Chambers, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt,

Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra
Excused: Representatives Chandler and Ortiz-Self

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Saturday, April 8, 2023

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1240, with the following amendment(s): 1240-S AMS ENGR S2726.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that gun violence is a threat to the public health and safety of Washingtonians. Assault weapons are civilian versions of weapons created for the military and are designed to kill humans quickly and efficiently. For this reason the legislature finds that assault weapons are "like" "M-16 rifles" and thus are "weapons most useful in military service." Assault weapons have been used in the deadliest mass shootings in the last decade. An assailant with an assault weapon can hurt and kill twice the number of people than an assailant with a handgun or nonassault rifle. This is because the additional features of an assault weapon are not "merely cosmetic"; rather, these are features that allow shooters to fire large numbers of rounds quickly. An analysis of mass shootings that result in four or more deaths found that 85 percent of those fatalities were caused by an assault weapon. The legislature also finds that this regulation is likely to have an impact on the number of mass shootings committed in Washington. Studies have shown that during the period the federal assault weapon ban was in effect, mass shooting fatalities were 70 percent less likely to occur. Moreover, the legislature finds that assault weapons are not suitable for self-defense and that studies show that assault weapons are statistically not used in self-defense. The legislature finds that assault weapons are not commonly used in self-defense and that any proliferation is not the result of the assault weapon being well-suited for self-defense, hunting, or sporting purposes. Rather, increased sales are the result of the gun industry's concerted efforts to sell more guns to a civilian market. The legislature finds that the gun industry has specifically marketed these weapons as "tactical," "hyper masculine," and "military style" in manner that overtly appeals to troubled young men intent on becoming the next mass shooter. The legislature intends to limit the prospective sale of assault weapons, while allowing existing legal owners to retain the assault weapons they currently own.

Sec. 2. RCW 9.41.010 and 2022 c 105 s 2 and 2022 c 104 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) (a) "Assault weapon" means:

(i) Any of the following specific firearms regardless of which company produced and manufactured the firearm:

<u>AK-47 in all forms</u>
<u>AK-74 in all forms</u>
<u>Algimec AGM-1 type semiautomatic</u>
<u>American Arms Spectre da semiautomatic carbine</u>
<u>AR15, M16, or M4 in all forms</u>
<u>AR 180 type semiautomatic</u>
<u>Argentine L.S.R. semiautomatic</u>
<u>Australian Automatic</u>
<u>Auto-Ordnance Thompson M1 and 1927 semiautomatics</u>
<u>Barrett .50 cal light semiautomatic</u>
<u>Barrett .50 cal M87</u>
<u>Barrett .50 cal M107A1</u>
<u>Barrett REC7</u>
<u>Beretta AR70/S70 type semiautomatic</u>
<u>Bushmaster Carbon 15</u>
<u>Bushmaster ACR</u>
<u>Bushmaster XM-15</u>
<u>Bushmaster MOE</u>
<u>Calico models M100 and M900</u>
<u>CETME Sporter</u>
<u>CIS SR 88 type semiautomatic</u>
<u>Colt CAR 15</u>
<u>Daewoo K-1</u>
<u>Daewoo K-2</u>
<u>Dragunov semiautomatic</u>
<u>Fabrique Nationale FAL in all forms</u>
<u>Fabrique Nationale F2000</u>
<u>Fabrique Nationale L1A1 Sporter</u>
<u>Fabrique Nationale M249S</u>
<u>Fabrique Nationale PS90</u>
<u>Fabrique Nationale SCAR</u>
<u>FAMAS .223 semiautomatic</u>
<u>Galil</u>

<u>Heckler & Koch G3 in all forms</u>
<u>Heckler & Koch HK-41/91</u>
<u>Heckler & Koch HK-43/93</u>
<u>Heckler & Koch HK94A2/3</u>
<u>Heckler & Koch MP-5 in all forms</u>
<u>Heckler & Koch PSG-1</u>
<u>Heckler & Koch SL8</u>
<u>Heckler & Koch UMP</u>
<u>Manchester Arms Commando MK-45</u>
<u>Manchester Arms MK-9</u>
<u>SAR-4800</u>
<u>SIG AMT SG510 in all forms</u>
<u>SIG SG550 in all forms</u>
<u>SKS</u>
<u>Spectre M4</u>
<u>Springfield Armory BM-59</u>
<u>Springfield Armory G3</u>
<u>Springfield Armory SAR-8</u>
<u>Springfield Armory SAR-48</u>
<u>Springfield Armory SAR-3</u>
<u>Springfield Armory M-21 sniper</u>
<u>Springfield Armory M1A</u>
<u>Smith & Wesson M&P 15</u>
<u>Sterling Mk 1</u>
<u>Sterling Mk 6/7</u>
<u>Steyr AUG</u>
<u>TNW M230</u>
<u>FAMAS F11</u>
<u>Uzi 9mm carbine/rifle</u>

(ii) A semiautomatic rifle that has an overall length of less than 30 inches;

(iii) A conversion kit, part, or combination of parts, from which an assault weapon can be assembled or from which a firearm can be converted into an assault weapon if those parts are in the possession or under the control of the same person; or

(iv) A semiautomatic, center fire rifle that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(B) Thumbhole stock;

(C) Folding or telescoping stock;

(D) Forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) Flash suppressor, flash guard, flash eliminator, flash hider, sound suppressor, silencer, or any item designed to reduce the visual or audio signature of the firearm;

(F) Muzzle brake, recoil compensator, or any item designed to be affixed to the barrel to reduce recoil or muzzle rise;

(G) Threaded barrel designed to attach a flash suppressor, sound suppressor, muzzle break, or similar item;

(H) Grenade launcher or flare launcher;

or

(I) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel;

(v) A semiautomatic, center fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(vi) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

(B) A second hand grip;

(C) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel; or

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip;

(vii) A semiautomatic shotgun that has any of the following:

(A) A folding or telescoping stock;

(B) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(C) A thumbhole stock;

(D) A forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) A fixed magazine in excess of seven rounds; or

(F) A revolving cylinder shotgun.

(b) For the purposes of this subsection, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) "Assault weapon" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(3) "Assemble" means to fit together component parts.

((+3)) (4) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

((+4)) (5) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate

reciprocating action that facilitates repeated activation of the trigger.

~~((5))~~ (6) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

~~((6))~~ (7) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

~~((7))~~ (8) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

~~((8))~~ (9) "Detachable magazine" means an ammunition feeding device that can be loaded or unloaded while detached from a firearm and readily inserted into a firearm.

(10) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

~~((9))~~ (11) "Family or household member" has the same meaning as in RCW 7.105.010.

~~((10))~~ (12) "Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. Sec. 921(a)(11).

~~((11))~~ (13) "Federal firearms importer" means a licensed importer as defined in 18 U.S.C. Sec. 921(a)(9).

~~((12))~~ (14) "Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

~~((13))~~ (15) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

~~((14))~~ (16) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

~~((15))~~ (17) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

~~((16))~~ (18) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes.

~~((17))~~ (19) (a) "Frame or receiver" means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver.

(b) For purposes of this subsection, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

~~((18))~~ (20) "Gun" has the same meaning as firearm.

~~((19))~~ (21) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the state of Washington. "Import" does not mean situations where an individual possesses a large capacity magazine or assault weapon when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine or assault weapon the individual transported out of state.

~~((20))~~ (21) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

~~((21))~~ (22) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a

device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

~~((22))~~ (24) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

~~((23))~~ (25) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

~~((24))~~ (26) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

~~((25))~~ (27) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

~~((26))~~ (28) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

~~((27))~~ (29) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

~~((28))~~ (30) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production, or construction of a firearm or large capacity magazine, by manual labor or by machinery.

~~((29))~~ (31) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

~~((30))~~ (32) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

~~((31))~~ (33) "Pistol" means any firearm with a barrel less than 16 inches in length, or is designed to be held and fired by the use of a single hand.

~~((32))~~ (34) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

~~((33))~~ (35) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

~~((34))~~ (36) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

~~((35))~~ (37) "Semiautomatic" means any firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(38)(a) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(b) "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

~~((36))~~ (39) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least 10 years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age 14;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

~~((37))~~ (40) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((38))~~ (41) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((39))~~ (42) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

~~((40))~~ (43) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

~~((41))~~ (44) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

~~((42))~~ (45) (a) "Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

(b) For purposes of this subsection:

(i) "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the

following: (A) Time, i.e., how long it takes to finish the process; (B) ease, i.e., how difficult it is to do so; (C) expertise, i.e., what knowledge and skills are required; (D) equipment, i.e., what tools are required; (E) availability, i.e., whether additional parts are required, and how easily they can be obtained; (F) expense, i.e., how much it costs; (G) scope, i.e., the extent to which the subject of the process must be changed to finish it; and (H) feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.

(ii) "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.

~~((43))~~ (46) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

~~((44))~~ (47) "Untraceable firearm" means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federal firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with all federal laws and regulations.

NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW to read as follows:

(1) No person in this state may manufacture, import, distribute, sell, or offer for sale any assault weapon, except as authorized in this section.

(2) Subsection (1) of this section does not apply to any of the following:

(a) The manufacture, importation, distribution, offer for sale, or sale of an assault weapon by a licensed firearms manufacturer for the purposes of sale to any branch of the armed forces of the United States or the state of Washington, or to any law enforcement agency for use by that agency or its employees for law enforcement purposes, or to a person who does not reside in this state;

(b) The importation, distribution, offer for sale, or sale of an assault weapon by a dealer that is properly licensed under federal and state law for the purpose of sale to any branch of the armed forces of the United States or the state of Washington, or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes;

(c) The distribution, offer for sale, or sale of an assault weapon to or by a dealer that is properly licensed under federal and state law where the dealer acquires the assault weapon from an individual legally authorized to possess or transfer the assault weapon for the purpose of selling or transferring the assault weapon to a person who does not reside in this state. The purpose of this section is to allow individuals who no longer wish to own an assault weapon to sell their assault weapon and is not intended to allow Washington

dealers to purchase assault weapons wholesale for the purpose of selling a stock or inventory of assault weapons online or in person to nonresidents;

(d) The out-of-state sale or transfer of the existing stock of assault weapons owned by a licensed dealer that was acquired prior to January 1, 2023, for the limited period of 90 days after the effective date of this section;

(e) The receipt of an assault weapon by a person who, on or after the effective date of this section, acquires possession of the assault weapon by operation of law upon the death of the former owner who was in legal possession of the assault weapon, provided the person in possession of the assault weapon can establish such provenance. Receipt under this subsection (2)(e) is not "distribution" under this chapter. A person who legally receives an assault weapon under this subsection (2)(e) may not sell or transfer the assault weapon to any other person in this state other than to a licensed dealer, to a federally licensed gunsmith for the purpose of service or repair, or to a law enforcement agency for the purpose of permanently relinquishing the assault weapon; or

(f) Any person on active military duty receiving orders to move to Washington state, or military retirees moving to Washington state.

(3) For the purposes of this section, "law enforcement agency" means any (a) general authority Washington law enforcement agency as defined in RCW 10.93.020; (b) limited authority Washington law enforcement agency as defined in RCW 10.93.020; or (c) equivalent federal, state, or local law enforcement agency in the United States.

(4) A person who violates this section is guilty of a gross misdemeanor.

NEW SECTION. Sec. 4. A new section is added to chapter 9.41 RCW to read as follows:

(1) The legislature finds that manufacturing, importing, distributing, selling, or offering for sale any assault weapon in violation of section 3 of this act are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW; are not reasonable in relation to the development and preservation of business; and constitutes an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(2) A violation of section 3 of this act is an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

(3) Any person or entity that receives a civil investigative demand issued pursuant to RCW 19.86.110 and that has an objection to answering in whole or in part may avail themselves of the procedural protections afforded in RCW 19.86.110(8). Further, the attorney general shall not share with a law enforcement agency conducting a criminal investigation any materials or information obtained via a response to a civil

investigative demand issued pursuant to RCW 19.86.110 unless such information or materials are required to be disclosed pursuant to issuance of a search warrant.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 7 of the title, after "inheritors;" strike the remainder of the title and insert "reenacting and amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

POINT OF ORDER

Representative Stonier requested a scope and object ruling on the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1240.

SPEAKER'S RULING

"The title of Substitute House Bill 1240 is specific and narrow—an act relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of assault weapons, and by providing limited exemptions applicable to licensed firearm manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies and for purposes of sale or transfer outside the state, and to inheritors.

Section 3, Subsection 2(f) of the Senate amendment creates exceptions to the bill for active-duty military members receiving orders to move to Washington state and military retirees moving to Washington state.

The Speaker therefore finds and rules that the Senate amendment is impermissibly outside the scope of Substitute House Bill 1240 as defined by its title.

The point of order is well taken."

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1240 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

Thursday, April 13, 2023

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5369 and asks the House to recede therefrom.

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SENATE BILL NO. 5369 was returned to second reading for the purpose of amendment.

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

Representative Doglio moved the adoption of the striking amendment (744):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that polychlorinated biphenyls, or PCBs, are a hazardous chemical class that have been identified as carcinogenic, a developmental toxicant, toxic to aquatic organisms, and persistent and bioaccumulative. According to the United States environmental protection agency, PCBs are probable human carcinogens and may have serious and potential effects on the immune system, reproductive system, nervous system, and endocrine system.

(2) Humans and other organisms can be exposed to PCBs in a number of ways. PCBs can be released into the environment from hazardous waste sites, illegal dumping, or disposal of PCB wastes or PCB-containing products in areas or landfills not designed to handle hazardous waste, leaks, or releases from electrical transformers containing PCBs, and wastewater discharges. Once PCBs are released, the chemicals do not readily break down in the environment and can cycle for long periods between air, water, and soil. PCBs can accumulate in leaves and above-ground parts of plants and food crops, and they are also taken up into the bodies of small organisms and fish, resulting in potential exposure for people and organisms that ingest the fish.

(3) In 1979, the United States banned the production of PCBs under the toxic substances control act. However, the United States environmental protection agency's regulations implementing the toxic substances control act for PCBs allow some inadvertent generation of PCBs to occur in excluded manufacturing processes. These manufacturing by-product PCBs have been identified in wastewater, sediments, and air in numerous locations and have been positively identified in the testing of new products.

(4) The legislature finds that the state has done much to address PCB contamination, including cleanup, permitting, stormwater management, and fish advisories. In addition, the United States environmental protection agency, Washington state, and the Spokane tribe of Indians have established PCB water quality standards to protect human health and the environment. These standards are critical for addressing release and exposure from legacy and nonlegacy PCBs. However, the standards cannot be achieved with currently available water treatment technology if the waste stream continues to include new sources of PCBs allowable under

the toxic substances control act at levels measured in products such as paints, inks, and pigments that are billions of times higher than applicable water quality standards. While the United States environmental protection agency has restored a human health criteria standard of seven parts per quadrillion in Washington waters, the toxic substances control act limit for PCBs in products is an annual average of 25 parts per million, with a maximum 50 parts per million adjusted total PCBs. Therefore, the legislature finds that nonlegacy PCB contamination may most effectively be managed upstream at the product and process source as opposed to downstream facilities at the end of the product life cycle. The toxic substances control act standard for inadvertent PCBs does not reflect current science on limits needed to protect human health and the environment and is overdue for revision.

(5) While previous industry analysis of toxic substances control act rule making has asserted negative impacts and infeasibility in disallowing by-product PCBs, the legislature finds that safer, feasible, and available alternatives to PCB-containing paints and printing inks now exist, as determined by the department in its June 2022 *Safer Products for Washington* report. Moreover, since safer and available products and processes to produce paints and printing inks do exist, the legislature finds that use of manufacturing processes resulting in products with PCB by-products is not inadvertent, but intentional, and constitutes a use of the chemical within the product.

(6) Therefore, the legislature intends to direct the department to petition the United States environmental protection agency to reassess its PCB regulations under the toxic substances control act and to prohibit the use of chlorine-based pigment manufacturing processes, which result in the generation of PCBs.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

(2) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product or is an importer or domestic distributor of a product sold or offered for sale in or into the state.

(3) "Paint and printing ink" includes, but is not limited to, building paint for indoor and outdoor use, spray paint, children's paint, road paint, and printing inks used in paper and packaging.

(4) "PCBs" or "polychlorinated biphenyls" means chemical forms that consist of two benzene rings joined together and containing one to 10 chlorine atoms attached to the benzene rings.

(5) "Retail establishment" includes any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides

merchandise, goods, or materials directly to a customer.

NEW SECTION. Sec. 3. (1) The department must petition the United States environmental protection agency to reassess its regulations on excluded manufacturing processes from prohibitions on manufacturing, processing, distribution in commerce, and use of PCBs and PCB items under 40 C.F.R. Sec. 761.3 for the purpose of eliminating or reducing the presence of PCBs in consumer products.

(2) In petitioning the United States environmental protection agency, the department must include legislative findings under this chapter and information on:

(a) Health effects of PCBs;

(b) Release and exposure of PCBs including, but not limited to, concentrations of PCBs measured in consumer products and in state waters, soils, and fish tissue;

(c) Safer alternatives for consumer products that contain PCBs, including the availability and feasibility of alternatives; and

(d) Other relevant data or findings as determined by the department.

(3) The department is not required to generate new data and may use previously compiled data and findings developed in the performance of duties under this chapter.

(4) The department may consult with the department of health and other relevant state agencies in developing the petition under this section.

(5) To the extent practicable, the department must seek completion of the petition review by January 1, 2025.

NEW SECTION. Sec. 4. (1)(a)(i) Beginning January 1, 2025, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state any paint or printing ink that contains chlorine-based pigments.

(ii) Beginning January 1, 2026, a retail establishment may not knowingly sell or knowingly offer for sale for use in this state any paint or printing ink that contains chlorine-based pigments.

(b)(i) Beginning no later than 12 months after the adoption of rules under subsection (3) of this section, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state a product identified under subsection (3) of this section that contains chlorine-based pigments.

(ii) Beginning no later than 24 months after the adoption of rules under subsection (3) of this section, a retail establishment may not knowingly sell or knowingly offer for sale any product identified under subsection (3) of this section that contains chlorine-based pigments.

(2) Upon a demand by the department, a person must demonstrate to the department that a product is in compliance with the requirements of subsection (1) of this section through the submission to the department of:

(a) Testing data indicating that a chlorine-based manufacturing process was not

used in the manufacture of the pigments contained in the paint, printing ink, or other product; or

(b) Information pertaining to pigment manufacturing processes demonstrating that chlorine was not used in the manufacturing of pigments contained in the paint, printing ink, or other product.

(3) The department may, by rule, identify products that, as a result of the inclusion of pigments in the product, contain PCBs that were inadvertently generated in the making of the pigment. The department may require a demonstration for products identified under this subsection of the absence of chlorine-based pigments in a product in a manner consistent with subsection (2) of this section. The department must initiate a rule-making process under this subsection by October 1, 2023.

(4) The prohibitions in subsection (1) of this section do not apply to:

(a) Paint manufactured, reused, or recycled from paint collected under chapter 70A.515 RCW; or

(b) The sale of any previously owned products containing inadvertently generated PCBs made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization.

(5)(a) The department may exempt a product or category of product from the prohibitions in subsection (1) of this section upon determining that a product or category of product is not capable of being manufactured in a manner that does not rely on the inclusion of chlorine-based pigments, and upon determining that allowing for the continued manufacture of the product or category of product containing a chlorine-based pigment would not result in meaningful impacts to human health, the environment, or the ability of entities regulated under chapter 90.48 RCW to comply with water quality standards.

(b) The department may, in its discretion, extend the compliance deadline in subsection (1) of this section for a product or category of product for which a person annually demonstrates to the department by October 1st of a given year that the prohibition is not technically feasible for the person to comply with.

(6) The department may not administer or enforce the requirements of this section if:

(a) A court of competent jurisdiction determines that federal regulations preempt the requirements; or

(b) The requirement does not align with any regulation established by the United States environmental protection agency adopted after the effective date of this section.

(7) If the requirements of this section are determined by a court of competent jurisdiction to be preempted by federal regulations, the department is directed to adopt a rule, within 18 months of the determination of preemption, to establish a reporting requirement for the use of chlorine-based pigment manufacturing processes or the PCB content of any combination of paints, printing inks, or products identified by the department under subsection (3) of this section.

NEW SECTION. **Sec. 5.** (1) The department may adopt rules to implement, administer, and enforce the requirements of this chapter.

(2) The department may impose a civil penalty for a violation of any requirement of this chapter in an amount not to exceed \$5,000 for each violation in the case of a first offense. Persons who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense. The department must issue at least one notice of violation by certified mail prior to assessing a penalty and the department may only impose a penalty on a manufacturer or retail establishment that has not met the requirements of this chapter 60 days following the date the written notification of the violation was sent. The department may not collect a penalty from a retail establishment for a product that the retail establishment demonstrates to the department was in the possession of the retail establishment as of the effective date of the restrictions on manufacture, sale, and distribution under section 4(1) (a) (i) or (b) (i) of this act.

(3) Any penalty provided for in this section, and any order issued by the department under this chapter, may be appealed to the pollution control hearings board.

(4) All penalties collected under this chapter must be deposited in the model toxics control operating account created in RCW 70A.305.180.

Sec. 6. RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 5 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the

conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

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

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

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

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

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

The striking amendment (744) 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 Doglio and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5369, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5369, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, 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, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, 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: Representatives Chandler and Ortiz-Self

SENATE BILL NO. 5369, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:30 a.m., Monday, April 17, 2023, the 99th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

INDEX

1008	Speaker Signed.	178	1234-S	Speaker Signed.	178
1019-S	Final Passage.	3	1236-S	Speaker Signed.	178
	Messages.	2	1240-S	Other Action.	226
1033-S	Final Passage.	5		Messages.	221
	Messages.	3	1243	Final Passage.	15
1042-S	Final Passage.	30		Messages.	12
	Messages.	28	1247-S	Speaker Signed.	178
1043-S	Final Passage.	10	1262	Speaker Signed.	178
	Messages.	5	1271-S	Final Passage.	41
1044-S	Other Action.	178		Messages.	35
	Messages.	174	1293-S	Final Passage.	16
1047-S	Final Passage.	181		Messages.	15
	Messages.	178	1317	Final Passage.	201
1055	Speaker Signed.	178		Messages.	200
1074-S	Final Passage.	31	1322-S2	Speaker Signed.	178
	Messages.	31	1337	Final Passage.	46
1084-S	Speaker Signed.	178		Messages.	42
1112	Final Passage.	182	1340-S	Final Passage.	17
	Messages.	181		Messages.	17
1117-S	Final Passage.	11	1345	Final Passage.	18
	Messages.	10		Messages.	17
1125-S	Other Action.	174	1349	Final Passage.	60
	Messages.	81		Messages.	46
1128	Speaker Signed.	178	1390-S2	Final Passage.	205
1132-S	Speaker Signed.	178		Messages.	201
1143-S2	Final Passage.	220	1407	Speaker Signed.	178
	Messages.	214	1416	Speaker Signed.	178
1173-S	Final Passage.	185	1424-S	Final Passage.	21
	Messages.	182		Messages.	18
1175-S	Speaker Signed.	178	1435-S	Speaker Signed.	178
1176-S2	Speaker Signed.	178	1452-S2	Speaker Signed.	178
1187-S	Final Passage.	12		Speaker Signed.	178
	Messages.	11	1457-S	Speaker Signed.	178
1197	Speaker Signed.	178	1477-S2	Speaker Signed.	178
1199	Final Passage.	33		Speaker Signed.	178
	Messages.	31	1498-S	Final Passage.	207
1200-S	Final Passage.	34		Messages.	205
	Messages.	34	1512	Speaker Signed.	178
1216-S2	Final Passage.	198	1527	Final Passage.	25
	Messages.	185		Messages.	21
1217-S	Final Passage.	199	1536	Speaker Signed.	178
	Messages.	198	1552	Speaker Signed.	178
1218	Speaker Signed.	178	1563	Speaker Signed.	178
1221	Speaker Signed.	178	1570-S	Speaker Signed.	178
1230	Speaker Signed.	178	1575	Speaker Signed.	178
1232	Speaker Signed.	178		Speaker Signed.	178

1580-S2	Speaker Signed.	178	5225-S2	Speaker Signed.	178
1599	Final Passage.	207	5261-S	Speaker Signed.	178
	Messages.	207	5341	Speaker Signed.	178
1626	Speaker Signed.	178	5353-S	Speaker Signed.	178
1636	Final Passage.	78	5369	Amendment Offered.	227
	Messages.	60		Third Reading Final Passage.	230
1639-S2	Final Passage.	211		Other Action.	227
	Messages.	208		Messages.	226
1663	Final Passage.	26	5374-S	Speaker Signed.	178
	Messages.	25	5381-S	Speaker Signed.	178
1678-S	Speaker Signed.	178	5433-S	Speaker Signed.	178
1679	Speaker Signed.	178	5447-S	Second Reading.	1
1683-S	Final Passage.	26		Amendment Offered.	2
	Messages.	26		Third Reading Final Passage.	2
1684	Speaker Signed.	178		Other Action.	2
1695	Speaker Signed.	178	5457	Speaker Signed.	178
1736-S	Final Passage.	79	5459	Speaker Signed.	178
	Messages.	78	5534	Speaker Signed.	178
1742	Speaker Signed.	178	5550	Speaker Signed.	178
1750	Speaker Signed.	178	5561-S	Speaker Signed.	178
1753-S	Speaker Signed.	178	5634-S2	Speaker Signed.	178
1771	Final Passage.	80	HOUSE OF REPRESENTATIVES (Representative Bronoske		
	Messages.	79	presiding)	Statement for the Journal Representative Rule.	79
1772	Speaker Signed.	178	HOUSE OF REPRESENTATIVES (Representative Orwall		
1775	Final Passage.	27	presiding) Point of Order	Representative Stonier Scope Amendment.	226
	Messages.	27	HOUSE OF REPRESENTATIVES (Representative Orwall		
1779-S	Final Passage.	212	presiding) Speaker's Ruling	Scope Amendment.	226
	Messages.	211			
1782	Final Passage.	81			
	Messages.	81			
1783-S	Final Passage.	28			
	Messages.	28			
1804-S	Final Passage.	213			
	Messages.	212			
1856	Introduction & 1st Reading.	1			
4001-S	Speaker Signed.	178			
4641	Introduced.	1			
	Adopted.	1			
4645	Introduced.	1			
	Adopted.	1			
5046-S2	Speaker Signed.	178			
5124-S	Speaker Signed.	178			
5127-S	Speaker Signed.	178			
5145-S	Speaker Signed.	178			
5155	Speaker Signed.	178			