

## SIXTY NINTH LEGISLATURE - REGULAR SESSION

## ONE HUNDRED SECOND DAY

House Chamber, Olympia, Thursday, April 24, 2025

The House was called to order at 9:30 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alessandra Cano and Kashayar Majd. The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Peter Degon, True Grace Church, Lacey.

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

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

**INTRODUCTION & FIRST READING**

**HB 2085** by Representatives Chase, Marshall, Klicker, Abell and Engell

AN ACT Relating to autonomous regions in Washington state; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

**HJR 4208** by Representatives Chase, Marshall, Klicker, Abell, Engell and Dufault

Concerning autonomous regions in Washington state.

Referred to Committee on State Government & Tribal Relations.

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

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

**THIRD READING****MESSAGE FROM THE SENATE**

Monday, April 7, 2025

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1633, with the following amendment(s): 1633 AMS SGTE S2533.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.30.060 and 2021 c 103 s 1 are each amended to read as follows:

(1) Every invitation to bid on a prime contract that is expected to cost \$1,000,000 or more for the construction, alteration, or repair of any public building or public work of the state or a state agency or municipality as defined under RCW 39.04.010 or an institution of higher education as defined under RCW 28B.10.016 shall require each prime contract bidder to submit:

(a) ~~((Within one hour after))~~ At the published bid submittal time, the names of the licensed subcontractors and proof of license with whom the bidder, if awarded the contract, will subcontract for performance of the work of: HVAC (heating, ventilation, and air conditioning); plumbing as described in chapter 18.106 RCW; and electrical as described in chapter 19.28 RCW, or to name itself for the work, if it is licensed to perform the work for which it has named itself. Errors identified by the contracting agency in the proof of license information must be corrected by the bidder within 48 hours of submission; and

(b) Within 48 hours after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will subcontract for performance of the work of structural steel installation and rebar installation.

(2) The prime contract bidder shall not list more than one subcontractor for each category of work identified, unless subcontractors vary with bid alternates, in which case the prime contract bidder must indicate which subcontractor will be used for which alternate. Failure of the prime contract bidder to submit as part of the bid the names of such subcontractors or to name itself to perform such work or the naming of two or more subcontractors to perform the same work shall render the prime contract bidder's bid nonresponsive and, therefore, void.

(3) Substitution of a listed subcontractor in furtherance of bid shopping or bid peddling before or after the award of the prime contract is prohibited and the originally listed subcontractor is entitled to recover monetary damages from the prime contract bidder who executed a contract with the public entity and the substituted subcontractor but not from the public entity inviting the bid. It is the original subcontractor's burden to prove by a preponderance of the evidence that bid shopping or bid peddling occurred. Substitution of a listed subcontractor may be made by the prime contractor for the following reasons:

(a) Refusal of the listed subcontractor to sign a contract with the prime contractor;

(b) Bankruptcy or insolvency of the listed subcontractor;

(c) Inability of the listed subcontractor to perform the requirements of the proposed contract or the project;

(d) Inability of the listed subcontractor to obtain the necessary ~~((license))~~ bonding, insurance, or other statutory requirements to perform the work detailed in the contract;

(e) Refusal or inability to provide a letter of bondability from a surety company; or

(f) The listed subcontractor is barred from participating in the project as a result of a court order or summary judgment.

(4) The requirement of this section to name the prime contract bidder's proposed subcontractors applies only to proposed HVAC, plumbing, electrical, structural steel installation, and rebar installation subcontractors who will contract directly with the prime contract bidder submitting the bid to the public entity.

(5) This section does not apply to design-build requests for proposals under RCW 39.10.330, to general contractor/construction manager requests for proposals under RCW 39.10.350, or to job order contract requests for proposals under RCW 39.10.420.

~~((6) The legislature finds that there are hundreds of capital construction projects completed each year which include complex contracting and bidding requirements. It is the intent of the legislature to review current subcontractor listing requirements to allow fair, transparent, and competitive bidding while prohibiting bid shopping. The capital projects advisory review board must submit a report to the governor and the appropriate committees of the legislature by November 1, 2020, and a second report by November 1, 2022. The reports must:~~

~~(a) Evaluate current subcontractor listing policies and practices;~~

~~(b) Recommend appropriate expansion of the number of subcontractors that may be listed in order to improve transparency and fairness without reducing competitive bidding and access to public works by minority and women-owned businesses; and~~

~~(c) Recommend possible project threshold and time frames for purposes of subcontractor listings for all scopes of work that are not required to list under law, including: The timing of subcontractor listing, bond requirements for subcontractors, general contractors standard contract request, and general contractor/construction manager and design-build applications.))"~~

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "and amending RCW 39.30.060."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1633 and advanced the bill, as amended by the Senate, to final passage.

Representatives Hill and Barkis spoke in favor of the passage of the bill.

#### MOTIONS

On motion of Representative Ramel, Representatives Donaghy, Fey, Hackney, Mena and Morgan were excused.

On motion of Representative Griffey, Representatives Volz and Abbarno were excused.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 1633, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1633, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 0; Absent, 0; Excused, 7

Voting Yea: Representatives Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Excused: Representatives Abbarno, Donaghy, Fey, Hackney, Mena, Morgan and Volz

HOUSE BILL NO. 1633, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 16, 2025

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1733, with the following amendment(s): 1733-S AMS TRAN S2774.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 8.26.035 and 2017 c 12 s 1 are each amended to read as follows:

(1) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the displacing agency shall provide for the payment to the displaced person of:

(a) Actual reasonable expenses in moving himself or herself, or his or her family, business, farm operation, or other personal property;

(b) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate the property, in accordance with criteria established by the lead agency;

(c) Actual reasonable expenses in searching for a replacement business or farm; ((and))

(d) ~~((Actual))~~ Except as provided in (e) of this subsection, actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, in accordance with criteria established by the

lead agency, but not to exceed ~~((fifty thousand dollars or the))~~:

(i) \$200,000; or

(ii) The dollar amount allowed under 42 U.S.C. Sec. 4622 as it existed on July 23, 2017, or such subsequent date as may be provided by the displacing agency by rule or regulation, consistent with the purposes of this section, whichever is greater; and

(e) Until August 1, 2030, if the displacing agency is a state agency, actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, in accordance with criteria established by the lead agency, but not to exceed:

(i) \$100,000; or

(ii) The dollar amount allowed under 42 U.S.C. Sec. 4622 as it existed on July 23, 2017, or such subsequent date as may be provided by the displacing agency by rule or regulation, consistent with the purposes of this section, whichever is greater.

(2) A displaced person eligible for payments under subsection (1) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (1) of this section may receive an expense and dislocation allowance determined according to a schedule established by the lead agency.

(3) A displaced person eligible for payments under subsection (1) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (1) of this section. The payment shall consist of a fixed payment in an amount to be determined according to criteria established by the lead agency, except that the payment shall be not less than the dollar amount allowed under 42 U.S.C. Sec. 4622 as it existed on July 23, 2017, or such subsequent date as may be provided by the displacing agency by rule or regulation, consistent with the purposes of this section. A person whose sole business at the displacement dwelling is the rental of that property to others does not qualify for a payment under this subsection.

(4) Beginning August 1, 2025, and annually thereafter, the lead agency shall adjust the dollar amounts specified in subsection (1)(d)(i) and (e)(i) of this section for inflation by increasing the previous year's dollar amount by two percent."

On page 1, line 3 of the title, after "displacements;" strike the remainder of the title and insert "and amending RCW 8.26.035."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1733 and advanced the bill, as amended by the Senate, to final passage.

Representatives Thomas and Walsh spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1733, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1733, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Excused: Representatives Hackney, Mena, Morgan and Volz

SUBSTITUTE HOUSE BILL NO. 1733, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 16, 2025

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1902, with the following amendment(s): 1902-S.E AMS TRAN S2686.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of transportation, in consultation with the department of ecology, shall convene a work group to develop recommendations to streamline the permitting of transportation projects, by aligning priorities, legal requirements, timelines, processing, and interests, in permitting. The work group shall designate the entity or entities responsible for the implementation of each recommendation, including the entity primarily responsible for the implementation of each recommendation.

(2) The work group shall consist of the following members:

(a) One representative from the department of transportation, to be appointed by the secretary of the department;

(b) One representative from the department of ecology, to be appointed by the director of the department;

(c) One representative from the department of fish and wildlife, to be appointed by the director of the department;

(d) One representative from the department of commerce, to be appointed by the director of the department;

(e) One representative from the office of equity, to be appointed by the director of the office;

(f) One representative from the association of Washington cities;

(g) One representative from the Washington state association of counties;

(h) One representative from the Washington public ports association;

(i) One representative from an organization representing general contractors;

(j) One representative from a statewide organization representing construction trades labor;

(k) One representative from the Washington state transit association;

(l) One representative from the United States army corps of engineers, to be invited by the secretary of the department of transportation;

(m) One representative of the consultant engineering community; and

(n) At least one, but not limited to, representative from tribes, and additional coordination from the governor's office of Indian affairs.

(3) The work group shall develop recommendations to reduce project costs and the time required from project conception to project completion. These recommendations must ensure that all appropriate environmental and regulatory protections are maintained.

(4) Staff support to the work group must be provided by the department of transportation.

(5) The work group shall convene its first meeting by October 1, 2025, and shall submit an interim report to the legislature by January 1, 2026, outlining its work to date, along with information on any permits or processes the work group may focus on during the course of their work, and a final report to the legislature detailing its work and any recommendations, including any recommendations for legislation, by November 1, 2026.

(6) This section expires December 31, 2026."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1902 and advanced the bill, as amended by the Senate, to final passage.

Representatives Richards and Barkis spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1902, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1902, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Voting Nay: Representative Dufault

Excused: Representatives Hackney, Mena, Morgan and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1902, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

Wednesday, April 16, 2025

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1936, with the following amendment(s): 1936 AMS WM S2839.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.32.570 and 2022 c 110 s 1 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state at least one calendar month after his or her accrual date shall cease to receive pension payments while engaged in such service, after the retiree has rendered service for more than eight hundred sixty-seven hours in a school year.

(3)(a) Between March 23, 2022, and (~~July 1, 2025~~) January 1, 2030, a retiree who reenters employment more than one calendar month after his or her accrual date, and who

enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a school year.

(b) Between March 23, 2022, and (~~July 1, 2025~~) January 1, 2030, a retiree that retired before January 1, 2022, and who enters service in a second-class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a school year.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the select committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five hundred twenty-five hours per year without a reduction of his or her pension.

**Sec. 2.** RCW 41.32.802 and 2023 c 410 s 3 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(b)(i) Between March 23, 2022, and (~~July 1, 2025~~) January 1, 2030, a retiree who reenters employment more than one month after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(ii) Between March 23, 2022, and (~~July 1, 2025~~) January 1, 2030, a retiree that retired before January 1, 2022, and who enters service in a second-class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-

school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(iii) The legislature reserves the right to amend or repeal this subsection (2)(b) in the future and no member or beneficiary has a contractual right to be employed for more than 867 hours in a calendar year without a reduction of his or her pension.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

**Sec. 3.** RCW 41.32.862 and 2023 c 410 s 4 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree who has satisfied the break in employment requirement of subsection (1) of this section, may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(b)(i) Between March 23, 2022, and (~~July 1, 2025~~) January 1, 2030, a retired teacher or retired administrator who reenters employment more than one month after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(ii) Between March 23, 2022, and (~~July 1, 2025~~) January 1, 2030, a retiree that retired before January 1, 2022, and who enters service in a second-class school district, as defined in RCW 28A.300.065, as either a district superintendent or an in-school administrator shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(iii) The legislature reserves the right to amend or repeal this subsection (2)(b) in

the future and no member or beneficiary has a contractual right to be employed for more than 867 hours in a calendar year without a reduction of his or her pension.

(3) If the retiree opts to reestablish membership under RCW 41.32.044, he or she terminates his or her retirement status and immediately becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible.

**Sec. 4.** RCW 41.35.060 and 2023 c 410 s 6 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(b) Between March 23, 2022, and ~~((July 1, 2025))~~ January 1, 2030, a retiree, including a retiree who has retired under the alternate early retirement provisions of RCW 41.35.420(3)(b) or 41.35.680(3)(b), who reenters employment more than one month after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year. The legislature reserves the right to amend or repeal this subsection (2)(b) in the future and no member or beneficiary has a contractual right to be employed for more than 867 hours in a calendar year without a reduction of his or her pension.

(3) If the retiree opts to reestablish membership under RCW 41.35.030, he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.35.420 or 41.35.680. However, if the right to retire is exercised to become effective before the

member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

**Sec. 5.** RCW 41.40.037 and 2023 c 99 s 2 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree from plan 1, plan 2, or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours per calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, 41.37.010, or 41.40.010, or as a firefighter or law enforcement officer, as defined in RCW 41.26.030, or in a position covered by annuity and retirement income plans offered by institutions of higher education pursuant to RCW 28B.10.400, without suspension of his or her benefit.

(b) Between March 23, 2022, and ~~((July 1, 2025))~~ January 1, 2030, a retiree, including a retiree who has retired under the alternate early retirement provisions of RCW 41.40.630(3)(b) or 41.40.820(3)(b), who reenters employment more than 100 days after his or her accrual date, and who enters service in a school district in a nonadministrative position shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(c) Between April 14, 2023, and July 1, 2026, a retiree, including a retiree who has retired under the alternate early retirement provisions of RCW 41.40.630(3)(b) or 41.40.820(3)(b), and who enters service in a nonadministrative position as a licensed nurse for a state agency, shall continue to receive pension payments while engaged in such service, until the retiree has rendered service for more than 1,040 hours in a calendar year.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and

survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the select committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

**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 2 of the title, after "restrictions;" strike the remainder of the title and insert "amending RCW 41.32.570, 41.32.802, 41.32.862, 41.35.060, and 41.40.037; and declaring an emergency."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1936 and advanced the bill, as amended by the Senate, to final passage.

Representatives Chase and Stonier spoke in favor of the passage of the bill.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker stated the question before the House to be the final passage of House Bill No. 1936, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1936, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Voting Nay: Representative Dufault

Excused: Representatives Hackney, Mena and Morgan

HOUSE BILL NO. 1936, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### RESOLUTION

**HOUSE RESOLUTION NO. 2025-4664,** by Representatives Jenkins, Stokesbary, Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett,

Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Mendoza, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra, and Zahn

WHEREAS, Speaker Frank Chopp was a lifelong Washingtonian who began his fight for social justice in high school, leading a protest against the Bremerton Elks Club for refusing to allow Black members; and

WHEREAS, Chopp honored his family's roots in Croatia and in Roslyn, Washington, where his father started working in the coal mines at age 12 before becoming a union electrical worker in the shipyard in Bremerton, where his mother worked in the school cafeteria; and

WHEREAS, While at the University of Washington, he organized efforts to preserve housing for working people, co-founded the Seattle Tenants Union in 1977, and protested the demolition of low-income housing by building and living in a geodesic dome in a parking lot; and

WHEREAS, He graduated magna cum laude from the University of Washington in 1975 and was a co-lecturer on nonprofit management with his wife, Nancy Long, at the Evan's School of Public Policy and Governance from 1992 to 1995; and

WHEREAS, He worked in management positions at a community service center and several nonprofits, becoming the executive director of the Fremont Public Association (now Solid Ground) in 1983 where he developed and managed programs to provide people with food, emergency shelter, housing, housing counseling, employment services, paratransit services, and more; and

WHEREAS, He led an effort to provide over \$2 billion for housing in Seattle, the effort to provide low-income housing at Magnuson Park, co-founded the Low Income Housing Institute and the Economic Opportunity Institute; helped organize collective bargaining units for office workers, home care workers, and public transit drivers; and created and participated with many projects and groups, including the Coalition for Survival Services, the Food Resources Network, the Workers Center, Lettuce Link, Community Voice Mail, and PortJOBS; and

WHEREAS, In 1994, Chopp won an election to the House of Representatives from the 43rd Legislative District, and he would serve the people of that district, and the people of the state of Washington, from January 9, 1995, until a new representative took the oath of office on January 13, 2025; and

WHEREAS, Chopp served as Minority Floor Leader, then Minority Leader, before becoming Co-Speaker of the House with Republican Clyde Ballard when the House of Representatives was tied 49-49 from 1999 to 2001; and became the sole Speaker of the House in 2002, serving a total of 20 years as Co-Speaker or Speaker until 2019, making him the longest serving speaker in state history; and

WHEREAS, Chopp made "One Washington" a guiding principle, using that phrase coined by Caucus Chair Bill Grant of Walla Walla to communicate his belief that he was responsible to the entire state of Washington and that no matter where one lives in Washington, the values and concerns we share are much stronger than those that divide us; and

WHEREAS, Chopp never wanted to take credit for accomplishments, instead lifting others into the spotlight; and

WHEREAS, Chopp's ongoing legacy will be not just the many things he did but the people he inspired to serve as elected officials, legislative staff, nonprofit and community leaders, academics, and activists; and

WHEREAS, He helped organized home health care workers in an effort to get them closer to a respectable wage to pay their bills as well for care for their patients, continuing that work as a lawmaker, and living to see his daughter, Ellie, work in that same field, carrying his torch of hope and fairness; and

WHEREAS, Chopp died March 22, 2025, at the age of 71, survived by his wife, Nancy Long, and two children Ellie Chopp and Narayan Long;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the life and legacy of Speaker Frank Chopp, as our state is forever changed by his leadership and his vision.

Representative Macri moved adoption of HOUSE RESOLUTION NO. 4664.

Representatives Macri, Davis, Schmick, Springer, Barkis, Stonier and Speaker Jenkins spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4664 was adopted.

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

### MOTION

Representative Fitzgibbon moved that the Rules committee be relieved of Substitute Senate Bill No. 5393, Substitute Senate Bill No. 5444, Substitute Senate Bill No. 5785, Second Substitute Senate Bill No. 5786, Substitute Senate Bill No. 5790, Engrossed Substitute Senate Bill No. 5801, Second Substitute Senate Bill No. 5802, and Senate Bill No. 5807 and that the bills be placed on the second reading calendar.

An electronic roll call has been requested.

### ROLL CALL

The Clerk called the roll on the motion to relieve the committee on Rules of Senate bills and place them on the second reading calendar, and the motion carried by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representative Morgan

The Speaker called upon Representative Simmons to preside.

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

### MESSAGE FROM THE SENATE

Thursday, April 24, 2025

Mme. Speaker:

The Senate has granted the request of the House for a Conference on ENGROSSED HOUSE BILL NO. 1217. The President has appointed the following members as Conferees: Bateman, Alvarado, Goehner

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

### THIRD READING

### MESSAGE FROM THE SENATE

Wednesday, April 23, 2025

Mme. Speaker:

The Senate receded from its amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1440, and under suspension of the rules returned BILL NAME HERE to second reading for purpose of amendment(s). The Senate further adopted amendment 1440-S2.E AMS DHIN S3242.2 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This chapter provides standard procedures governing civil asset forfeiture and is applicable to laws of this state that authorize civil forfeiture of property and that indicate the provisions of this chapter apply.

NEW SECTION. **Sec. 2.** (1)(a) Except with respect to contraband items, which shall be seized and summarily forfeited, proceedings for forfeiture are deemed commenced by the seizure. The agency under whose authority the seizure was made shall cause notice to be served within 15 days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure must be made according to the rules of civil procedure, except that service by mail shall be by certified mail, return receipt requested. However, a default judgment with respect to real property may not be obtained against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title, must be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(b) The notice must include information indicating that if the property owner or other person claiming a right or interest in the property contests the forfeiture, the person has the right to move the matter to a court of competent jurisdiction, and if the person substantially prevails in a forfeiture proceeding, the person is entitled to reimbursement for reasonable attorneys' fees.

(2) If no person notifies the seizing agency in writing of the person's claim of ownership or right to possession of an item seized within 60 days of the service of



notice from the seizing agency in the case of personal property and 120 days in the case of real property, the item seized is deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(3) If any person notifies the seizing agency in writing of the person's claim of ownership or right to possession of an item seized within 60 days of the service of notice from the seizing agency in the case of personal property and 120 days in the case of real property, the person or persons must be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail is deemed complete upon mailing within the 60-day period following service of the notice of seizure in the case of personal property and within the 120-day period following service of the notice of seizure in the case of real property.

(4) The hearing must be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except that where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing must be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW. Such a hearing and any appeal therefrom must be under Title 34 RCW.

(5) Any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within 45 days after the person seeking removal has notified the seizing agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed must be the district court, or the municipal court for the jurisdiction in which the property was seized, when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020.

(6)(a) Whether the matter is heard under Title 34 RCW pursuant to subsection (4) of this section or removed to court pursuant to subsection (5) of this section, the burden of proof is upon the seizing agency to establish, by clear, cogent, and convincing evidence, that the property is subject to forfeiture.

(b) No personal property may be forfeited to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(c) No real property may be forfeited to the extent of the interest of an owner, by reason of any act or omission committed or

omitted without the owner's knowledge or consent.

(d) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(7) The seizing agency shall promptly return seized items, in a substantially similar condition as when they were seized, to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof.

(8) In any proceeding to forfeit property under this chapter, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant.

(9) The protections afforded by the service members' civil relief act, chapter 38.42 RCW, are applicable to proceedings under this chapter.

#### NEW SECTION. Sec. 3.

(1) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(2)(a) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited only if:

(i) An employee, agent, or officer of the seizing agency, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and

(ii) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by the employee, agent, or officer of the seizing agency prior to asserting a claim under the provisions of this section;

(A) Only if the funds applied under (a) (ii) of this subsection are insufficient to satisfy the damage directly caused by the employee, agent, or officer of the seizing agency, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the seizing agency operates within 30 days after the search;

(B) Only if the governmental entity denies or fails to respond to the landlord's claim within 60 days of the date of filing, may the landlord collect damages under this subsection by filing within 30 days of denial or the expiration of the 60-day period, whichever occurs first, a claim with the seizing agency. The seizing agency must notify the landlord of the status of the claim by the end of the 30-day period. Nothing in this section requires the claim to be paid by the end of the 60-day or 30-day period.

(b) For any claim filed under (a)(ii) of this subsection, the seizing agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter or the chapter pursuant to which the seizure was made; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(3) The landlord's claim for damages under subsection (2) of this section may not include a claim for loss of business and is limited to:

(a) Damage to tangible property and clean-up costs;

(b) The lesser of the cost of repair or fair market value of the damage directly caused by the employee, agent, or officer of the seizing agency;

(c) The proceeds from the sale of the specific tenant's property seized and forfeited; and

(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property.

(4) Subsections (2) and (3) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a seizing agency satisfies a landlord's claim under subsection (2) of this section, the rights the landlord has against the tenant for damages directly caused by an employee, agent, or officer of the seizing agency under the terms of the landlord and tenant's contract are subrogated to the seizing agency.

**NEW SECTION. Sec. 4.** When property is forfeited under this chapter, the seizing agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency to be used in enforcement;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law;

(4) Forward it to an appropriate entity, such as the drug enforcement administration, for disposition;

(5) Satisfy any known court-ordered restitution owed by the person from whom the property was forfeited; or

(6) Take any other action allowed by statute.

**NEW SECTION. Sec. 5.** (1)(a)(i) Except as provided in (a)(ii) of this subsection, by January 31st of each year, each seizing agency shall remit to the state treasurer an amount equal to 10 percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted

shall be deposited in the state general fund unless otherwise provided in statute.

(ii) By January 31st of each year, each seizing agency shall remit to the state an amount equal to 10 percent of the net proceeds of any property forfeited under RCW 10.105.010 and 46.61.5058 during the preceding calendar year for deposit into the behavioral health loan repayment program account created in RCW 28B.115.135 through June 30, 2027, and into the state general fund thereafter.

(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under section 3 of this act.

(c) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(2) Forfeited property and net proceeds not required to be paid to the state shall be retained by the seizing agency exclusively for the expansion and improvement of related enforcement activities. Money retained under this section may not be used to supplant preexisting funding sources.

**Sec. 6.** RCW 9.68A.120 and 2022 c 162 s 4 are each amended to read as follows:

The following are subject to seizure and forfeiture:

(1) All visual or printed matter that depicts a minor engaged in sexually explicit conduct.

(2) All raw materials, equipment, and other tangible personal property of any kind used or intended to be used to manufacture or process any visual or printed matter that depicts a minor engaged in sexually explicit conduct, and all conveyances, including aircraft, vehicles, or vessels that are used or intended for use to transport, or in any manner to facilitate the transportation of, visual or printed matter in violation of RCW 9.68A.050 or 9.68A.060, but:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(b) No property is subject to forfeiture under this section by reason of any act or omission ~~((established by the owner of the property to have been))~~ committed or omitted without the owner's knowledge or consent;

(c) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(d) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest.

(3) All personal property, moneys, negotiable instruments, securities, or other tangible or intangible property furnished or intended to be furnished by any person in exchange for visual or printed matter depicting a minor engaged in sexually explicit conduct, or constituting proceeds traceable to any violation of this chapter.

(4) Property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(c) A law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(5) In the event of seizure under subsection (4) of this section, proceedings for forfeiture ~~((shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.~~

(6) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the item seized shall be deemed forfeited.

(7) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the person or persons

~~shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The hearing before an administrative law judge and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the seized items. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is lawfully entitled to possession thereof of the seized items.~~

~~(8) If property is sought to be forfeited on the ground that it constitutes proceeds traceable to a violation of this chapter, the seizing law enforcement agency must prove by a preponderance of the evidence that the property constitutes proceeds traceable to a violation of this chapter.~~

~~(9) When property is forfeited under this chapter the seizing law enforcement agency may:~~

~~(a) Retain it for official use or upon application by any law enforcement agency of this state release the property to that agency for the exclusive use of enforcing this chapter or chapter 9A.88 RCW;~~

~~(b) Sell that which is not required to be destroyed by law and which is not harmful to the public; or~~

~~(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law.~~

~~(10)(a) By January 31st of each year, each seizing agency shall remit to the state an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the prostitution prevention and intervention account under RCW 43.63A.740.~~

~~(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to an independent selling agency.~~

~~(c) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure determined when possible by reference to an applicable commonly used index. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the~~

appraisal. The value of destroyed property and retained firearms or illegal property is zero.

~~(11) Forfeited property and net proceeds not required to be remitted to the state under this chapter shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after payment of these expenses shall be retained by the seizing law enforcement agency for the exclusive use of enforcing the provisions of this chapter or chapter 9A.88 RCW) are governed by chapter 7.--- RCW (the new chapter created in section 15 of this act).~~

**Sec. 7.** RCW 9A.88.150 and 2022 c 162 s 5 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them:

(a) Any property or other interest acquired or maintained in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission (~~established by the owner thereof to have been~~) committed or omitted without the owner's knowledge or consent;

(iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(iv) When the owner of a conveyance has been arrested for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(c) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(d) All proceeds traceable to or derived from an offense defined in RCW 9.68A.100, 9.68A.101, or 9A.88.070 and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense;

(e) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070;

(f) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070. A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission. No personal property may be forfeited under this subsection (1)(f), to the extent of the interest of an owner, by reason of any act or omission (~~(, which that owner establishes was)~~) committed or omitted without the owner's knowledge or consent; and

(g) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for a violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070, if a substantial nexus exists between the violation and the real property. However:

(i) No property may be forfeited pursuant to this subsection (1)(g), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(2) Real or personal property subject to forfeiture under this section may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is

entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding; or

(c) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070.

(3) In the event of seizure pursuant to subsection (2) of this section, proceedings for forfeiture ~~((shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement, or a certificate of title, shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including, but not limited to, service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.~~

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection

~~(1) of this section within forty-five days of the service of notice from the seizing agency in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail shall be deemed complete upon mailing within the forty-five day period following service of the notice of seizure in the case of personal property and within the ninety day period following service of the notice of seizure in the case of real property. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In all cases, the burden of proof is upon the law enforcement agency to establish, by a preponderance of the evidence, that the property is subject to forfeiture.~~

The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (1) of this section.

(6) In any proceeding to forfeit property under this title, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant. In addition, in a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees.

(7) When property is forfeited under this chapter, the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release the property to that

agency for the exclusive use of enforcing this chapter or chapter 9.68A RCW;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public; or

(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law.

(8)(a) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.

(b) Each seizing agency shall retain records of forfeited property for at least seven years.

(c) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.

(d) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.

(9)(a) By January 31st of each year, each seizing agency shall remit to the state an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the prostitution prevention and intervention account under RCW 43.63A.740.

(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection (12) of this section.

(c) The value of sold forfeited property is the sale price. The value of destroyed property and retained firearms or illegal property is zero.

(10) Net proceeds not required to be remitted to the state shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Money remaining after payment of these expenses shall be retained by the seizing law enforcement agency for the exclusive use of enforcing the provisions of this chapter or chapter 9.68A RCW.

(11) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order

shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.

(12) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (9) of this section, only if:

(a) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence;

(b) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section:

(i) Only if the funds applied under (b) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;

(ii) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty day period. Nothing in this section requires the claim to be paid by the end of the sixty day or thirty day period; and

(c) For any claim filed under (b) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of RCW 9.68A.100, 9.68A.101, or 9A.88.070; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

(13) The landlord's claim for damages under subsection (12) of this section may not include a claim for loss of business and is limited to:

(a) Damage to tangible property and clean-up costs;

(b) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(c) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (9) of this section; and

(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection (12) of this section.

(14) Subsections (12) and (13) of this section do not limit any other rights a landlord may have against a tenant to

~~collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection (12) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency)) are governed by chapter 7.--- RCW (the new chapter created in section 15 of this act).~~

**Sec. 8.** RCW 9A.83.030 and 2020 c 62 s 1 are each amended to read as follows:

(1) Proceeds traceable to or derived from specified unlawful activity or a violation of RCW 9A.83.020 are subject to seizure and forfeiture. The attorney general or county prosecuting attorney may file a civil action for the forfeiture of proceeds. Unless otherwise provided for under this section, no property rights exist in these proceeds. All right, title, and interest in the proceeds shall vest in the governmental entity of which the seizing law enforcement agency is a part upon commission of the act or omission giving rise to forfeiture under this section.

(2) Real or personal property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by a superior court that has jurisdiction over the property. Any agency seizing real property shall file a lis pendens concerning the property. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later. Real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant issued pursuant to RCW 69.50.502; or

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter.

(3) A seizure under subsection (2) of this section commences proceedings for forfeiture pursuant to chapter 7.--- RCW (the new chapter created in section 15 of this act). ~~((The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized proceeds to be served within fifteen days after the seizure on the owner of the property seized and the person in charge thereof and any person who has a known right or interest therein, including a community property interest. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort~~

~~has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure.~~

~~(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the property seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.~~

~~(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The provisions of RCW 69.50.505(5) shall apply to any such hearing. The seizing law enforcement agency shall promptly return property to the claimant upon the direction of the administrative law judge or court.~~

~~(6) Disposition of forfeited property shall be made in the manner provided for in RCW 69.50.505 (8) through (10) and (14) or 9.46.231 (6) through (8) and (10).)~~

**Sec. 9.** RCW 10.105.010 and 2022 c 162 s 3 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them: All personal property, including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which has been or was actually employed as an instrumentality in the commission of, or in aiding or abetting in the commission of any felony, or which was furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, any felony, or which was acquired in whole or in part with proceeds traceable to the commission of a felony. No property may be forfeited under this section until after there has been a superior court conviction of the owner of the property for the felony in connection with which the property was employed, furnished, or acquired.

A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if at the time the security interest was created, the secured party neither had knowledge of nor consented to the commission of the felony.

(2) Personal property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state

upon process issued by any superior court having jurisdiction over the property. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding;

(c) A law enforcement officer has probable cause to believe that the property is directly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in the commission of a felony.

(3) In the event of seizure pursuant to this section, proceedings for forfeiture ((shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. The notice of seizure may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.

(5) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized property within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political

subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the property involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property. The seizing law enforcement agency shall promptly return the property to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.

(6) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the criminal law;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.

(7) By January 31st of each year, each seizing agency shall remit to the state an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year for deposit into the behavioral health loan repayment program account created in RCW 28B.115.135 through June 30, 2027, and into the state general fund thereafter.

(a) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.

(b) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.

(c) Retained property and net proceeds not required to be remitted to the state, or



~~otherwise required to be spent under this section, shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources)) are governed by chapter 7.--- RCW (the new chapter created in section 15 of this act).~~

(4) When property is seized under this chapter and forfeited pursuant to chapter 7.--- RCW (the new chapter created in section 15 of this act), the seizing agency must use or dispose of the property as permitted under section 4 of this act.

**Sec. 10.** RCW 19.290.230 and 2013 c 322 s 27 are each amended to read as follows:

(1) The following personal property is subject to seizure and forfeiture and no property right exists in them: All personal property including, but not limited to, any item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, security, or negotiable instrument, which the seizing agency proves by ~~((a preponderance of the))~~ clear, cogent, and convincing evidence was used or intended to be used by its owner or the person in charge to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, or which the seizing agency proves by ~~((a preponderance of the))~~ clear, cogent, and convincing evidence was knowingly or intentionally furnished or was intended to be furnished by any person in the commission of, as a result of, or as compensation for the commission of, a crime involving theft, trafficking, or the unlawful possession of commercial metal property, or which the property owner acquired in whole or in part with proceeds traceable to a knowing or intentional commission of a crime involving the theft, trafficking, or unlawful possession of commercial metal property provided that such activity is not less than a class C felony; except that:

(a) No vehicle used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless the seizing agency proves by ~~((a preponderance of the))~~ clear, cogent, and convincing evidence that the owner or other person in charge of the vehicle is a consenting party or is privy to any crime involving theft, trafficking, or the unlawful possession of commercial metal property;

(b) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had actual or constructive knowledge of nor consented to the commission of any crime involving the theft, trafficking, or unlawful possession of commercial metal property; and

(c) A property owner's property is not subject to seizure if an employee or agent of that property owner uses the property owner's property to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally aid and

abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, in violation of that property owner's instructions or policies against such activity, and without the property owner's knowledge or consent.

(2) The following real property is subject to seizure and forfeiture and no property right exists in them: All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements, that the seizing agency proves by ~~((a preponderance of the))~~ clear, cogent, and convincing evidence are being used with the knowledge of the owner for the intentional commission of any crime involving the theft, trafficking, or unlawful possession of commercial metal property, or which have been acquired in whole or in part with proceeds traceable to the commission of any crime involving the trafficking, theft, or unlawful possession of commercial metal, if such activity is not less than a class C felony and a substantial nexus exists between the commission of the violation or crime and the real property. However:

(a) No property may be forfeited pursuant to this subsection (2), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's actual or constructive knowledge; and further, a property owner's real property is not subject to seizure if an employee or agent of that property owner uses the property owner's real property to knowingly or intentionally facilitate the commission of, or to knowingly or intentionally aid and abet the commission of, a crime involving theft, trafficking, or unlawful possession of commercial metal property, in violation of that property owner's instructions or policies against such activity, and without the property owner's knowledge or consent; and

(b) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, neither had actual or constructive knowledge, nor consented to the act or omission.

(3) Property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant; or

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding.

(4) In the event of seizure pursuant to this section, proceedings for forfeiture ~~((shall be))are~~ deemed commenced by the seizure and governed by chapter 7.--- RCW ~~(the new chapter created in section 15 of this act).~~ ~~((The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. The notice of seizure of personal property may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen-day period following the seizure. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.~~

(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1) of this section within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized property within forty-five days of the seizure in the case of personal property and ninety days in the case of real property, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of

competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the property involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property.

(7) At the hearing, the seizing agency has the burden of proof to establish by a preponderance of the evidence that seized property is subject to forfeiture, and that the use or intended use of the seized property in connection with a crime pursuant to this section occurred with the owner's actual or constructive knowledge or consent. The person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the property has the burden of proof to establish by a preponderance of the evidence that the person owns or has a right to possess the seized property. The possession of bare legal title is not sufficient to establish ownership of seized property if the seizing agency proves by a preponderance of the evidence that the person claiming ownership or right to possession is a nominal owner and did not actually own or exert a controlling interest in the property.

The seizing law enforcement agency shall promptly return the property to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession of the property.

(8) When property is forfeited under this chapter, after satisfying any court-ordered victim restitution, the seizing law enforcement agency may:

(a) Retain it for official use or, upon application by any law enforcement agency of this state, release such property to such agency; or

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public.

(9) (a) Within one hundred twenty days after the entry of an order of forfeiture, each seizing agency shall remit to, if known, the victim of the crime involving the seized property, an amount equal to fifty percent of the net proceeds of any property forfeited.

(b) Retained property and net proceeds not required to be paid to victims shall be retained by the seizing law enforcement

~~agency exclusively for the expansion and improvement of law enforcement activity. Money retained under this section may not be used to supplant preexisting funding sources.~~

~~(c) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages.~~

~~(d) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.~~

~~(10) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.)~~

~~(5)(a) When property is seized under this chapter and forfeited pursuant to chapter 7.--- RCW (the new chapter created in section 15 of this act), the seizing agency must use or dispose of the property as permitted under section 4 of this act.~~

~~(b) Within 120 days after the entry of an order of forfeiture, each seizing agency shall remit to, if known, the victim of the crime involving the seized property, an amount equal to 50 percent of the net proceeds of any property forfeited.~~

**Sec. 11.** RCW 46.61.5058 and 2022 c 162 s 2 are each amended to read as follows:

(1) Upon the arrest of a person or upon the filing of a complaint, citation, or information in a court of competent jurisdiction, based upon probable cause to believe that a person has violated RCW 46.20.740, 46.61.502, or 46.61.504 or any similar municipal ordinance, if such person has a prior offense within seven years as defined in RCW 46.61.5055, and where the person has been provided written notice that any transfer, sale, or encumbrance of such person's interest in the vehicle over which that person was actually driving or had physical control when the violation occurred, is unlawful pending either acquittal, dismissal, sixty days after conviction, or other termination of the charge, such person shall be prohibited from

encumbering, selling, or transferring his or her interest in such vehicle, except as otherwise provided in (a), (b), and (c) of this subsection, until either acquittal, dismissal, sixty days after conviction, or other termination of the charge. The prohibition against transfer of title shall not be stayed pending the determination of an appeal from the conviction.

(a) A vehicle encumbered by a bona fide security interest may be transferred to the secured party or to a person designated by the secured party;

(b) A leased or rented vehicle may be transferred to the lessor, rental agency, or to a person designated by the lessor or rental agency; and

(c) A vehicle may be transferred to a third party or a vehicle dealer who is a bona fide purchaser or may be subject to a bona fide security interest in the vehicle unless it is established that (i) in the case of a purchase by a third party or vehicle dealer, such party or dealer had actual notice that the vehicle was subject to the prohibition prior to the purchase, or (ii) in the case of a security interest, the holder of the security interest had actual notice that the vehicle was subject to the prohibition prior to the encumbrance of title.

(2) On conviction for a violation of either RCW 46.20.740, 46.61.502, or 46.61.504 or any similar municipal ordinance where the person convicted has a prior offense within seven years as defined in RCW 46.61.5055, the motor vehicle the person was driving or over which the person had actual physical control at the time of the offense, if the person has a financial interest in the vehicle, the court shall consider at sentencing whether the vehicle shall be seized and forfeited pursuant to this section if a seizure or forfeiture has not yet occurred.

(3) A vehicle subject to forfeiture under this chapter may be seized by a law enforcement officer of this state upon process issued by a court of competent jurisdiction. Seizure of a vehicle may be made without process if the vehicle subject to seizure has been the subject of a prior judgment in favor of the state in a forfeiture proceeding based upon this section.

(4) Seizure under subsection (3) of this section automatically commences proceedings for forfeiture, which proceedings are governed by chapter 7.--- RCW (the new chapter created in section 15 of this act). ~~((The law enforcement agency under whose authority the seizure was made shall cause notice of the seizure and intended forfeiture of the seized vehicle to be served within fifteen days after the seizure on the owner of the vehicle seized, on the person in charge of the vehicle, and on any person having a known right or interest in the vehicle, including a community property interest. The notice of seizure may be served by any method authorized by law or court rule, including but not limited to service by certified mail with return receipt requested. Service by mail is complete upon mailing within the fifteen-day period after the seizure. Notice of seizure~~

~~in the case of property subject to a security interest that has been perfected on a certificate of title shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title.~~

~~(5) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the vehicle is deemed forfeited.~~

~~(6) If a person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the seized vehicle within forty-five days of the seizure, the law enforcement agency shall give the person or persons a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020, the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court when the aggregate value of the vehicle is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the vehicle involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to be the legal owner or the person claiming to have the lawful right to possession of the vehicle. The seizing law enforcement agency shall promptly return the vehicle to the claimant upon a determination by the administrative law judge or court that the claimant is the present legal owner under this title or is lawfully entitled to possession of the vehicle.~~

~~(7)) (5) When a vehicle is forfeited under this chapter the seizing law enforcement agency may sell the vehicle, retain it for official use, or upon application by a law enforcement agency of this state release the vehicle to that agency for the exclusive use of enforcing this title; provided, however, that the agency shall first satisfy any bona fide security interest to which the vehicle is subject under subsection (1)(a) or (c) of this section.~~

~~((4)) (6) When a vehicle is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the vehicle, the disposition of the vehicle, the value of the vehicle at the time of seizure, and the amount of proceeds realized from disposition of the vehicle.~~

~~((9)) (7) Each seizing agency shall retain records of forfeited vehicles for at least seven years.~~

~~((10) Each seizing agency shall file a report including a copy of the records of forfeited vehicles with the state treasurer each calendar quarter.~~

~~(11) The quarterly report need not include a record of a forfeited vehicle that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.~~

~~(12) By January 31st of each year, each seizing agency shall remit to the state an amount equal to ten percent of the net proceeds of vehicles forfeited during the preceding calendar year for deposit into the behavioral health loan repayment program account created in RCW 28B.115.135 through June 30, 2027, and into the state general fund thereafter.~~

~~(13) The net proceeds of a forfeited vehicle is the value of the forfeitable interest in the vehicle after deducting the cost of satisfying a bona fide security interest to which the vehicle is subject at the time of seizure, and in the case of a sold vehicle, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents.~~

~~(14) The value of a sold forfeited vehicle is the sale price. The value of a retained forfeited vehicle is the fair market value of the vehicle at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing. A seizing agency may, but need not, use an independent qualified appraiser to determine the value of retained vehicles. If an appraiser is used, the value of the vehicle appraised is net of the cost of the appraisal.)~~

**Sec. 12.** RCW 70.74.400 and 2002 c 370 s 3 are each amended to read as follows:

(1) Explosives, improvised devices, and components of explosives and improvised devices that are possessed, manufactured, delivered, imported, exported, stored, sold, purchased, transported, abandoned, detonated, or used, or intended to be used, in violation of a provision of this chapter are subject to seizure and forfeiture by a law enforcement agency and no property right exists in them.

(2) The law enforcement agency making the seizure shall notify the Washington state department of labor and industries of the seizure.

(3) Seizure of explosives, improvised devices, and components of explosives and improvised devices under subsection (1) of this section may be made if:

(a) The seizure is incident to arrest or a search under a search warrant;

(b) The explosives, improvised devices, or components have been the subject of a prior judgment in favor of the state in an injunction or forfeiture proceeding based upon this chapter;

(c) A law enforcement officer has probable cause to believe that the explosives, improvised devices, or components are directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the explosives, improvised devices, or components were used or were intended to be used in violation of this chapter.

(4) A law enforcement agency shall destroy explosives seized under this chapter when it is necessary to protect the public safety and welfare. When destruction is not necessary to protect the public safety and welfare, and the explosives are not being held for evidence, a seizure pursuant to this section commences proceedings for forfeiture, which proceedings are governed by chapter 7.--- RCW (the new chapter created in section 15 of this act).

~~(5) ((The law enforcement agency under whose authority the seizure was made shall issue a written notice of the seizure and commencement of the forfeiture proceedings to the person from whom the explosives were seized, to any known owner of the explosives, and to any person who has a known interest in the explosives. The notice shall be issued within fifteen days of the seizure. The notice of seizure and commencement of the forfeiture proceedings shall be served in the same manner as provided in RCW 4.28.080 for service of a summons. The law enforcement agency shall provide a form by which the person or persons may request a hearing before the law enforcement agency to contest the seizure.~~

~~(6) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the explosives, improvised devices, or components within thirty days of the date the notice was issued, the seized explosives, devices, or components shall be deemed forfeited.~~

~~(7) If, within thirty days of the issuance of the notice, any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items seized, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement or the officer's designee of the seizing agency, except that the person asserting the claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the items seized is more than five hundred dollars. The hearing and any appeal shall be conducted according to chapter 34.05 RCW. The seizing law enforcement agency shall bear the burden of proving that the person (a) has no lawful right of ownership or possession and (b) that the items seized were possessed, manufactured, stored, sold, purchased, transported, abandoned, detonated, or used in violation of a provision of this chapter with the person's knowledge or consent.~~

~~(8) The seizing law enforcement agency shall promptly return the items seized to the claimant upon a determination that the claimant is entitled to possession of the items seized.~~

~~(9))~~ If the items seized are forfeited under this statute, the seizing agency shall dispose of the explosives by summary destruction. However, when explosives are destroyed either to protect public safety or because the explosives were forfeited, the person from whom the explosives were seized loses all rights of action against the law enforcement agency or its employees acting within the scope of their employment, or other governmental entity or employee involved with the seizure and destruction of explosives.

~~((10))~~ (6) This section is not intended to change the seizure and forfeiture powers, enforcement, and penalties available to the department of labor and industries pursuant to chapter 49.17 RCW as provided in RCW 70.74.390.

**Sec. 13.** RCW 69.50.505 and 2022 c 162 s 1 and 2022 c 16 s 98 are each reenacted and amended to read as follows:

(1) The following are subject to seizure and forfeiture and no property right exists in them:

(a) All controlled substances which have been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or chapter 69.41 or 69.52 RCW, and all hazardous chemicals, as defined in RCW 64.44.010, used or intended to be used in the manufacture of controlled substances;

(b) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW;

(c) All property which is used, or intended for use, as a container for property described in (a) or (b) of this subsection;

(d) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, in any manner to facilitate the sale, delivery, or receipt of property described in (a) or (b) of this subsection, except that:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter or chapter 69.41 or 69.52 RCW;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission ~~((established by the owner thereof to have been))~~ committed or omitted without the owner's knowledge or consent;

(iii) No conveyance is subject to forfeiture under this section if used in the receipt of only an amount of cannabis for which possession constitutes a misdemeanor under RCW 69.50.4014;

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter or chapter 69.41 or 69.52 RCW the conveyance in which the person is arrested may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(e) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter or chapter 69.41 or 69.52 RCW;

(f) All drug paraphernalia other than paraphernalia possessed, sold, or used solely to facilitate cannabis-related activities that are not violations of this chapter;

(g) All moneys, negotiable instruments, securities, or other tangible or intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter or chapter 69.41 or 69.52 RCW, all tangible or intangible personal property, proceeds, or assets acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter or chapter 69.41 or 69.52 RCW. A forfeiture of money, negotiable instruments, securities, or other tangible or intangible property encumbered by a bona fide security interest is subject to the interest of the secured party if, at the time the security interest was created, the secured party neither had knowledge of nor consented to the act or omission. No personal property may be forfeited under this subsection (1)(g), to the extent of the interest of an owner, by reason of any act or omission (~~which that owner establishes was~~) committed or omitted without the owner's knowledge or consent; and

(h) All real property, including any right, title, and interest in the whole of any lot or tract of land, and any appurtenances or improvements which are being used with the knowledge of the owner for the manufacturing, compounding, processing, delivery, importing, or exporting of any controlled substance, or which have been acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter or chapter 69.41 or 69.52 RCW, if such activity is not less than a class C felony and a substantial nexus exists between the commercial production or sale of the controlled substance and the real property. However:

(i) No property may be forfeited pursuant to this subsection (1)(h), to the extent of the interest of an owner, by reason of any act or omission committed or omitted without the owner's knowledge or consent;

(ii) The bona fide gift of a controlled substance, legend drug, or imitation

controlled substance shall not result in the forfeiture of real property;

(iii) The possession of cannabis shall not result in the forfeiture of real property unless the cannabis is possessed for commercial purposes that are unlawful under Washington state law, the amount possessed is five or more plants or one pound or more of cannabis, and a substantial nexus exists between the possession of cannabis and the real property. In such a case, the intent of the offender shall be determined by the preponderance of the evidence, including the offender's prior criminal history, the amount of cannabis possessed by the offender, the sophistication of the activity or equipment used by the offender, whether the offender was licensed to produce, process, or sell cannabis, or was an employee of a licensed producer, processor, or retailer, and other evidence which demonstrates the offender's intent to engage in unlawful commercial activity;

(iv) The unlawful sale of cannabis or a legend drug shall not result in the forfeiture of real property unless the sale was forty grams or more in the case of cannabis or one hundred dollars or more in the case of a legend drug, and a substantial nexus exists between the unlawful sale and the real property; and

(v) A forfeiture of real property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party, at the time the security interest was created, neither had knowledge of nor consented to the act or omission.

(2) Real or personal property subject to forfeiture under this chapter may be seized by any commission inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure of real property shall include the filing of a lis pendens by the seizing agency. Real property seized under this section shall not be transferred or otherwise conveyed until ninety days after seizure or until a judgment of forfeiture is entered, whichever is later: PROVIDED, That real property seized under this section may be transferred or conveyed to any person or entity who acquires title by foreclosure or deed in lieu of foreclosure of a security interest. Seizure of personal property without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(c) A commission inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) The commission inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(3) In the event of seizure pursuant to subsection (2) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, including any community property interest, of the seizure and intended forfeiture of the seized property. Service of notice of seizure of real property shall be made according to the rules of civil procedure. However, the state may not obtain a default judgment with respect to real property against a party who is served by substituted service absent an affidavit stating that a good faith effort has been made to ascertain if the defaulted party is incarcerated within the state, and that there is no present basis to believe that the party is incarcerated within the state. Notice of seizure in the case of property subject to a security interest that has been perfected by filing a financing statement in accordance with chapter 62A.9A RCW, or a certificate of title, shall be made by service upon the secured party or the secured party's assignee at the address shown on the financing statement or the certificate of title. The notice of seizure in other cases may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(4) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1)(d), (g), or (h) of this section within ~~((forty-five))~~ 60 days of the service of notice from the seizing agency in the case of personal property and ~~((ninety))~~ 120 days in the case of real property, the item seized shall be deemed forfeited. The community property interest in real property of a person whose spouse or domestic partner committed a violation giving rise to seizure of the real property may not be forfeited if the person did not participate in the violation.

(5) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of this section within ~~((forty-five))~~ 60 days of the service of notice from the seizing agency in the case of personal property and ~~((ninety))~~ 120 days in the case of real property, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The notice of claim may be served by any method authorized by law or court rule including, but not limited to, service by first-class mail. Service by mail shall be deemed complete upon mailing within the ~~((forty-five))~~ 60-day period following service of the notice of seizure in the case of personal property and within the ~~((ninety-day))~~ 120-day period following service of the notice

of seizure in the case of real property. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction. Removal of any matter involving personal property may only be accomplished according to the rules of civil procedure. The person seeking removal of the matter must serve process against the state, county, political subdivision, or municipality that operates the seizing agency, and any other party of interest, in accordance with RCW 4.28.080 or 4.92.020, within forty-five days after the person seeking removal has notified the seizing law enforcement agency of the person's claim of ownership or right to possession. The court to which the matter is to be removed shall be the district court, or the municipal court for the jurisdiction in which the property was seized, when the aggregate value of personal property is within the jurisdictional limit set forth in RCW 3.66.020. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In all cases, the burden of proof is upon the law enforcement agency to establish, by ~~((a preponderance of the))~~ clear, cogent, and convincing evidence, that the property is subject to forfeiture.

The seizing law enforcement agency shall promptly return the article or articles to the claimant, in a substantially similar condition as when seized, upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (1)(b), (c), (d), (e), (f), (g), or (h) of this section.

(6) In any proceeding to forfeit property under this title, where the claimant substantially prevails, the claimant is entitled to reasonable attorneys' fees reasonably incurred by the claimant. In addition, in a court hearing between two or more claimants to the article or articles involved, the prevailing party is entitled to a judgment for costs and reasonable attorneys' fees.

(7) When property is forfeited under this chapter the commission or seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public;

(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(d) Forward it to the drug enforcement administration for disposition.

~~(8) ((a) When property is forfeited, the seizing agency shall keep a record indicating the identity of the prior owner, if known, a description of the property, the disposition of the property, the value of the property at the time of seizure, and the amount of proceeds realized from disposition of the property.~~

~~(b) Each seizing agency shall retain records of forfeited property for at least seven years.~~

~~(c) Each seizing agency shall file a report including a copy of the records of forfeited property with the state treasurer each calendar quarter.~~

~~(d) The quarterly report need not include a record of forfeited property that is still being held for use as evidence during the investigation or prosecution of a case or during the appeal from a conviction.~~

~~(9)) (a) By January 31st of each year, each seizing agency shall remit to the state an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year for deposit into the behavioral health loan repayment and scholarship program account created in RCW 28B.115.135 through June 30, 2027, and into the state general fund thereafter.~~

~~(b) The net proceeds of forfeited property is the value of the forfeitable interest in the property after deducting the cost of satisfying any bona fide security interest to which the property is subject at the time of seizure; and in the case of sold property, after deducting the cost of sale, including reasonable fees or commissions paid to independent selling agents, and the cost of any valid landlord's claim for damages under subsection ((15)) (14) of this section.~~

~~(c) The value of sold forfeited property is the sale price. The value of retained forfeited property is the fair market value of the property at the time of seizure, determined when possible by reference to an applicable commonly used index, such as the index used by the department of licensing for valuation of motor vehicles. A seizing agency may use, but need not use, an independent qualified appraiser to determine the value of retained property. If an appraiser is used, the value of the property appraised is net of the cost of the appraisal. The value of destroyed property and retained firearms or illegal property is zero.~~

~~((10)) (9) Forfeited property and net proceeds not required to be remitted to the state shall be retained by the seizing law enforcement agency exclusively for the expansion and improvement of controlled substances related law enforcement activity. If the seizing agency is a port district operating an airport in a county with a population of more than one million, it may use the net proceeds not required to be remitted to the state for purposes related to controlled substances law enforcement, substance abuse education, human trafficking interdiction, and responsible gun ownership. Money retained under this section may not be used to supplant preexisting funding sources.~~

~~((11)) (10) Controlled substances listed in Schedule I, II, III, IV, and V that are~~

possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the commission, the owners of which are unknown, are contraband and shall be summarily forfeited to the commission.

~~((12)) (11) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the commission.~~

~~((13)) (12) The failure, upon demand by a commission inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he or she is the holder thereof constitutes authority for the seizure and forfeiture of the plants.~~

~~((14)) (13) Upon the entry of an order of forfeiture of real property, the court shall forward a copy of the order to the assessor of the county in which the property is located. Orders for the forfeiture of real property shall be entered by the superior court, subject to court rules. Such an order shall be filed by the seizing agency in the county auditor's records in the county in which the real property is located.~~

~~((15)) (14) (a) A landlord may assert a claim against proceeds from the sale of assets seized and forfeited under subsection (7) (b) of this section, only if:~~

~~(i) A law enforcement officer, while acting in his or her official capacity, directly caused damage to the complaining landlord's property while executing a search of a tenant's residence; and~~

~~(ii) The landlord has applied any funds remaining in the tenant's deposit, to which the landlord has a right under chapter 59.18 RCW, to cover the damage directly caused by a law enforcement officer prior to asserting a claim under the provisions of this section;~~

~~(A) Only if the funds applied under (a) (ii) of this subsection are insufficient to satisfy the damage directly caused by a law enforcement officer, may the landlord seek compensation for the damage by filing a claim against the governmental entity under whose authority the law enforcement agency operates within thirty days after the search;~~

~~(B) Only if the governmental entity denies or fails to respond to the landlord's claim within sixty days of the date of filing, may the landlord collect damages under this subsection by filing within thirty days of denial or the expiration of the sixty-day period, whichever occurs first, a claim with the seizing law enforcement agency. The seizing law enforcement agency must notify the landlord of the status of the claim by the end of the thirty-day period. Nothing in this section requires the claim to be paid by the end of the sixty-day or thirty-day period.~~



(b) For any claim filed under (a)(ii) of this subsection, the law enforcement agency shall pay the claim unless the agency provides substantial proof that the landlord either:

(i) Knew or consented to actions of the tenant in violation of this chapter or chapter 69.41 or 69.52 RCW; or

(ii) Failed to respond to a notification of the illegal activity, provided by a law enforcement agency under RCW 59.18.075, within seven days of receipt of notification of the illegal activity.

~~((16))~~(15) The landlord's claim for damages under subsection ~~((15))~~(14) of this section may not include a claim for loss of business and is limited to:

(a) Damage to tangible property and clean-up costs;

(b) The lesser of the cost of repair or fair market value of the damage directly caused by a law enforcement officer;

(c) The proceeds from the sale of the specific tenant's property seized and forfeited under subsection (7)(b) of this section; and

(d) The proceeds available after the seizing law enforcement agency satisfies any bona fide security interest in the tenant's property and costs related to sale of the tenant's property as provided by subsection ~~((9))~~(8)(b) of this section.

~~((17))~~(16) Subsections ~~((15))~~(14) and ~~((16))~~(15) of this section do not limit any other rights a landlord may have against a tenant to collect for damages. However, if a law enforcement agency satisfies a landlord's claim under subsection ~~((15))~~(14) of this section, the rights the landlord has against the tenant for damages directly caused by a law enforcement officer under the terms of the landlord and tenant's contract are subrogated to the law enforcement agency.

(17) The protections afforded by the service members' civil relief act, chapter 38.42 RCW, are applicable to proceedings under this section.

**Sec. 14.** RCW 38.42.020 and 2014 c 65 s 2 are each amended to read as follows:

(1) Any service member who is ordered to report for military service and his or her dependents are entitled to the rights and protections of this chapter during the period beginning on the date on which the service member receives the order and ending one hundred eighty days after termination of or release from military service.

(2) This chapter applies to any judicial or administrative proceeding commenced in any court or agency in Washington state in which a service member or his or her dependent is a party. This chapter applies to civil asset forfeiture proceedings. This chapter does not apply to criminal proceedings.

(3) This chapter shall be construed liberally so as to provide fairness and do substantial justice to service members and their dependents.

**NEW SECTION. Sec. 15.** Sections 1 through 5 of this act constitute a new chapter in Title 7 RCW.

**NEW SECTION. Sec. 16.** This act applies to seizures occurring on or after the effective date of this section.

**NEW SECTION. Sec. 17.** This act takes effect January 1, 2026."

On page 1, line 2 of the title, after "reporting;" strike the remainder of the title and insert "amending RCW 9.68A.120, 9A.88.150, 9A.83.030, 10.105.010, 19.290.230, 46.61.5058, 70.74.400, and 38.42.020; reenacting and amending RCW 69.50.505; adding a new chapter to Title 7 RCW; creating a new section; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1440 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Walsh spoke against the passage of the bill.

### MOTION

On motion of Representative Ramel, Speaker Jinkins and Representative Hackney were excused.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1440, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1440, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 37; Absent, 0; Excused, 3

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie and Zahn

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Dent, Dufault, Dye, Engell, Eslick, Graham, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representatives Hackney, Morgan and Mme. Speaker

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1440, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Wednesday, April 16, 2025

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1912, with the following amendment(s): 1912-S2.E AMS ENGR S2635.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70A.65 RCW to read as follows:

(1) By October 1, 2025, the department must post and periodically update on its website a directory tool, by county and, if applicable, city, of the name and address of each retail fuel seller of exempt agricultural fuel under RCW 70A.65.080(7)(e) that has notified the department under subsection (3) of this section including, but not limited to, retail fuel sellers that rely on a cardholder or membership program and exempt fuel purchase aggregators. The department may only identify in the directory entities that make available exempt agricultural fuel under RCW 70A.65.080(7)(e) for purchase at a price that is different than the price of fuel that is not exempt under RCW 70A.65.080(7)(e). The directory tool must allow a user to use a simple search function to find a retail seller of exempt agricultural fuel in a specific jurisdiction within the state.

(2)(a) By October 1, 2025, the department must publish on its website a guide for potentially eligible users of exempt agricultural fuel under RCW 70A.65.080(7)(e) that describes:

(i) In consultation with the department of licensing, the mechanisms by which the exempt fuel user may obtain a remittance; or

(ii) The mechanisms by which the exempt fuel user may purchase exempt fuel including, but not limited to, exempt fuel purchase aggregators and cardholder or membership-based payment options offered by private parties. The information that the department is required to publish under this subsection is limited to information that is voluntarily disclosed by retail fuel sellers or exempt fuel purchase aggregators.

(b) This guide must include a description of the information submission and procedural requirements associated with obtaining a remittance payment under the remittance program implemented by the department of licensing.

(3) A retail fuel seller including, but not limited to, an exempt fuel purchase aggregator or cardholder or membership-based payment option, may voluntarily notify the department of locations where exempt agricultural fuel under RCW 70A.65.080(7)(e) is available for purchase, including contact information for the location, types of exempt fuel for sale, and the address and latitude and longitude of each location.

(4) Nothing in this section establishes, limits, or otherwise alters the obligation of a person to be a covered or opt-in entity under RCW 70A.65.080, an opt-in entity under RCW 70A.65.090(3), or to report emissions under RCW 70A.15.2200. Nothing in this section makes a fuel seller that is not a

covered entity under this chapter subject to the penalties provided in RCW 70A.65.200(5).

(5) It is the intent of the legislature to pair the activities described in this section with a continuation, through the 2025-2027 biennium of the payment program for exempt fuel specified in RCW 70A.65.080(7)(e) implemented by the department of licensing as required by the 2024 supplemental omnibus operating appropriations act, ESSB 5950. It is the intent of the legislature that the department of licensing's remittance program include payments to farm fuel users who purchased kerosene or natural gas for agricultural purposes.

(6) For purposes of this section "exempt fuel purchase aggregator" means a for-profit or nonprofit entity that makes exempt agricultural fuel available to customers for purchase at a differential rate than the rate charged for nonexempt fuels, and that has established procedures for verifying that the fuel purchased qualifies as exempt, as well as procedures for tracking and reporting the volumes of exempt fuel sales to covered or opt-in entities from which the aggregator purchases fuel.

**Sec. 2.** RCW 70A.65.080 and 2024 c 352 s 4 are each amended to read as follows:

(1) A person is a covered entity as of the beginning of the first compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 for any calendar year from 2015 through 2019, or if additional data provided as required by this chapter indicates that emissions for any calendar year from 2015 through 2019 equaled or exceeded any of the following thresholds, or if the person is a first jurisdictional deliverer and imports electricity into the state during the compliance period:

(a) Where the person owns or operates a facility and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent;

(b) Where the person is a first jurisdictional deliverer and generates electricity in the state and emissions associated with this generation equals or exceeds 25,000 metric tons of carbon dioxide equivalent;

(c)(i) Where the person is a first jurisdictional deliverer importing electricity into the state and:

(A) For specified sources, the cumulative annual total of emissions associated with the imported electricity exceeds 25,000 metric tons of carbon dioxide equivalent;

(B) For unspecified sources, the cumulative annual total of emissions associated with the imported electricity exceeds 0 metric tons of carbon dioxide equivalent; or

(C) For electricity purchased from a federal power marketing administration pursuant to section 5(b) of the Pacific Northwest electric power planning and conservation act of 1980, P.L. 96-501, if the department determines such electricity is not from a specified source, the cumulative annual total of emissions associated with the imported electricity

exceeds 25,000 metric tons of carbon dioxide equivalent.

(ii) In consultation with any linked jurisdiction to the program created by this chapter, by October 1, 2026, the department, in consultation with the department of commerce and the utilities and transportation commission, shall adopt by rule a methodology for addressing imported electricity associated with a centralized electricity market;

(d) Where the person is a supplier of fossil fuel other than natural gas and from that fuel 25,000 metric tons or more of carbon dioxide equivalent emissions would result from the full combustion or oxidation, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington; and

(e)(i) Where the person supplies natural gas in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts for fuel products that are produced or imported with a documented final point of delivery outside of Washington and combusted outside of Washington, and excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities;

(ii) Where the person who is not a natural gas company and has a tariff with a natural gas company to deliver to an end-use customer in the state in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) the amounts delivered to opt-in entities;

(iii) Where the person is an end-use customer in the state who directly purchases natural gas from a person that is not a natural gas company and has the natural gas delivered through an interstate pipeline to a distribution system owned by the purchaser in amounts that would result in exceeding 25,000 metric tons of carbon dioxide equivalent emissions if fully combusted or oxidized, excluding the amounts: (A) Supplied to covered entities under (a) through (d) of this subsection; and (B) delivered to opt-in entities.

(2) A person is a covered entity as of the beginning of the second compliance period and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for any calendar year from 2023 through 2025, where the person owns or operates a waste to energy facility utilized by a county and city solid waste management program and the facility's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(3) A person is a covered entity as of the beginning of the third compliance period, and all subsequent compliance periods if the person reported emissions under RCW 70A.15.2200 or provided emissions data as required by this chapter for 2027 or 2028, where the person owns or operates a

railroad company, as that term is defined in RCW 81.04.010, and the railroad company's emissions equal or exceed 25,000 metric tons of carbon dioxide equivalent.

(4) When a covered entity reports, during a compliance period, emissions from a facility under RCW 70A.15.2200 that are below the thresholds specified in subsection (1) or (2) of this section, the covered entity continues to have a compliance obligation through the current compliance period. When a covered entity reports emissions below the threshold for each year during an entire compliance period, or has ceased all processes at the facility requiring reporting under RCW 70A.15.2200, the entity is no longer a covered entity as of the beginning of the subsequent compliance period unless the department provides notice at least 12 months before the end of the compliance period that the facility's emissions were within 10 percent of the threshold and that the person will continue to be designated as a covered entity in order to ensure equity among all covered entities. Whenever a covered entity ceases to be a covered entity, the department shall notify the appropriate policy and fiscal committees of the legislature of the name of the entity and the reason the entity is no longer a covered entity.

(5) For types of emission sources described in subsection (1) of this section that begin or modify operation after January 1, 2023, and types of emission sources described in subsection (2) of this section that begin or modify operation after 2027, coverage under the program starts in the calendar year in which emissions from the source exceed the applicable thresholds in subsection (1) or (2) of this section, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold, whichever happens first. Sources meeting these conditions are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions were equal to or exceeded the emissions threshold.

(6) For emission sources described in subsection (1) of this section that are in operation or otherwise active between 2015 and 2019 but were not required to report emissions for those years under RCW 70A.15.2200 for the reporting periods between 2015 and 2019, coverage under the program starts in the calendar year following the year in which emissions from the source exceed the applicable thresholds in subsection (1) of this section as reported pursuant to RCW 70A.15.2200 or provided as required by this chapter, or upon formal notice from the department that the source is expected to exceed the applicable emissions threshold for the first year that source is required to report emissions, whichever happens first. Sources meeting these criteria are required to transfer their first allowances on the first transfer deadline of the year following the year in which their emissions, as reported under RCW 70A.15.2200 or provided as required by this chapter, were equal to or exceeded the emissions threshold.

(7) The following emissions are exempt from coverage in the program, regardless of the emissions reported under RCW 70A.15.2200 or provided as required by this chapter:

(a) Emissions from the combustion of aviation fuels;

(b) Emissions from watercraft fuels supplied in Washington that are combusted outside of Washington;

(c) Emissions from a coal-fired electric generation facility exempted from additional greenhouse gas limitations, requirements, or performance standards under RCW 80.80.110;

(d) Carbon dioxide emissions from the combustion of biomass or biofuels;

(e)(i) Motor vehicle fuel or special fuel that is used exclusively for agricultural purposes by a farm fuel user. This exemption is available only if a buyer of motor vehicle fuel or special fuel provides the seller with an exemption certificate in a form and manner prescribed by the department. ~~((For the purposes of this subsection, "agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865.))~~ Prior to January 1, 2030, this exemption is available whether motor vehicle fuel or special fuel is used to propel a motor vehicle or not, but beginning January 1, 2030, this exemption only applies to motor vehicle fuel or special fuel that the farm fuel user uses to propel a motor vehicle.

(ii) The department must determine a method for expanding the exemption provided under (e)(i) of this subsection to include fuels used for the purpose of transporting agricultural products on public highways. The department must maintain this expanded exemption ~~((for a period of five years))~~ until December 31, 2029, in order to provide the agricultural sector with a feasible transition period.

(iii) For the purposes of this subsection:

(A) "Agricultural purposes" and "farm fuel user" have the same meanings as provided in RCW 82.08.865;

(B) "Motor vehicle fuel" means gasoline, the chief use of which is as a fuel for the propulsion of motor vehicles or vessels; and

(C) "Special fuel" means diesel, liquefied petroleum gas (also called propane), and biodiesel;

(f) Emissions from facilities with North American industry classification system code 92811 (national security); and

(g) Emissions from municipal solid waste landfills that are subject to, and in compliance with, chapter 70A.540 RCW.

(8) The department shall not require multiple covered entities to have a compliance obligation for the same emissions. The department may by rule authorize refineries, fuel suppliers, facilities using natural gas, and natural gas utilities to provide by agreement for the assumption of the compliance obligation for fuel or natural gas supplied and combusted in the state. The department must be notified of such an agreement at least 12 months prior to the compliance obligation period for which the agreement is applicable.

(9)(a) The legislature intends to promote a growing and sustainable economy and to

avoid leakage of emissions from manufacturing to other locations. The legislature further intends to see innovative new businesses locate and grow in Washington that contribute to Washington's prosperity and environmental objectives.

(b) Consistent with the intent of the legislature to avoid the leakage of emissions to other jurisdictions, in achieving the state's greenhouse gas limits in RCW 70A.45.020, the state, including lead agencies under chapter 43.21C RCW, shall pursue the limits in a manner that recognizes that the siting and placement of new or expanded best-in-class facilities with lower carbon emitting processes is in the economic and environmental interests of the state of Washington.

(c) In conducting a life-cycle analysis, if required, for new or expanded facilities that require review under chapter 43.21C RCW, a lead agency must evaluate and attribute any potential net cumulative greenhouse gas emissions resulting from the project as compared to other existing facilities or best available technology including best-in-class facilities and emerging lower carbon processes that supply the same product or end use. The department may adopt rules to determine the appropriate threshold for applying this analysis.

(d) Covered emissions from an entity that is or will be a covered entity under this chapter may not be the basis for denial of a permit for a new or expanded facility. Covered emissions must be included in the analysis undertaken pursuant to (c) of this subsection. Nothing in this subsection requires a lead agency or a permitting agency to approve or issue a permit to a permit applicant, including to a new or expanded fossil fuel project.

(e) A lead agency under chapter 43.21C RCW or a permitting agency shall allow a new or expanded facility that is a covered entity or opt-in entity to satisfy a mitigation requirement for its covered emissions under this chapter and under any greenhouse gas emission mitigation requirements for covered emissions under chapter 43.21C RCW by submitting to the department the number of compliance instruments equivalent to its covered emissions during a compliance period.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 70A.65.080; adding a new section to chapter 70A.65 RCW; and declaring an emergency."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE

BILL NO. 1912 and advanced the bill, as amended by the Senate, to final passage.

Representatives Dent, Doglio and Dye spoke in favor of the passage of the bill.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1912, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1912, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, Mena, Mendoza, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Waters, Wylie, Ybarra and Zahn

Voting Nay: Representatives McEntire and Walsh

Excused: Representatives Morgan and Mme. Speaker

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1912, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

Tuesday, April 22, 2025

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5263 and asks the House to recede therefrom.

and the same is herewith transmitted.

Sarah Bannister, Secretary

### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5263 was returned to second reading for the purpose of amendment.

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

With the consent of the House, amendment (1400) was ruled out of order.

Representative Gregerson moved the adoption of the striking amendment (1407):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.150.390 and 2024 c 229 s 1 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4) (a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average head count enrollment of students ages three and four and those five year olds not yet enrolled in kindergarten who are eligible for and receiving special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.2;

~~(b) ((i) Subject to the limitation in (b) (ii) of this subsection (2), a) A district's annual average enrollment of resident students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten, multiplied by the district's base allocation per full-time equivalent student, multiplied by the special education cost multiplier rate of (+~~

~~(A) Beginning in the 2020-21 school year, either:~~

~~(I) 1.0075 for students eligible for and receiving special education and reported to be in the general education setting for 80 percent or more of the school day; or~~

~~(II) 0.995 for students eligible for and receiving special education and reported to be in the general education setting for less than 80 percent of the school day;~~

~~(B) Beginning in the 2023-24 school year, either:~~

~~(I) 1.12 for students eligible for and receiving special education and reported to be in the general education setting for 80 percent or more of the school day; or~~

~~(II) 1.06 for students eligible for and receiving special education and reported to be in the general education setting for less than 80 percent of the school day.~~

~~(ii) If the enrollment percent exceeds 16 percent, the excess cost allocation calculated under (b) (i) of this subsection must be adjusted by multiplying the allocation by 16 percent divided by the enrollment percent)) 1.16.~~

(3) The superintendent of public instruction may reserve amounts up to 0.006 of the funding generated under subsection (2) of this section for statewide special education activities under section 2 of this act.

(4) As used in this section ((+ (a) "Base)), "base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4) (a), (5), (6), and (8) and the allocation under RCW 28A.150.415, to be divided by the district's full-time equivalent enrollment.

((b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW

~~28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.~~

~~(c) "Enrollment percent" means the district's resident annual average enrollment of students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten and students enrolled in institutional education programs, as a percent of the district's annual average full-time equivalent basic education enrollment.)~~

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) The superintendent of public instruction shall engage in statewide special education activities to support students receiving special education services.

(a) The statewide activities must include:

(i) Annually reviewing data from local education agencies, including the percentage of students receiving special education services, to ensure there is not a disproportionate identification of students, as defined by the superintendent of public instruction in accordance with federal requirements of the individuals with disabilities education act, 20 U.S.C. Sec. 1400;

(ii) Providing technical assistance to school districts with disproportionate data;

(iii) Requiring districts with disproportionate data to complete and submit to the office of the superintendent of public instruction a self-assessment that includes an audit of student evaluations and individualized education programs;

(iv) Implementing follow-up actions based on the results of the self-assessment required in (a)(iii) of this subsection if determined necessary; and

(v) Developing and maintaining a statewide online system for individualized education programs as directed under section 3 of this act.

(b) The statewide activities may include:

(i) Providing professional development in inclusionary practices to local education agencies, schools, and community partners in promoting inclusionary teaching practices within a multitiered system of supports framework to help safeguard against over-identification and other issues related to disproportionality; and

(ii) Providing a funding match to local education agencies that opt to allocate federal funding for coordinated, early intervening services per 34 C.F.R. Sec. 300.226.

(2) The superintendent of public instruction shall annually report to the education committees of the legislature, in accordance with RCW 43.01.036, by December 1st on the statewide activities funded under RCW 28A.150.390(3). The 2025 and 2026 annual reports must include an update on the impact of removing the cap on the special education

enrollment percentage, including the impact on safety net needs.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) The superintendent of public instruction shall develop and maintain a statewide online system for individualized education programs. In developing and implementing the online system, the superintendent of public instruction must collaborate with educational service districts or an information processing cooperative established under chapter 28A.310 RCW by agreement pursuant to chapter 39.34 RCW. The superintendent may delegate implementation of the online system as authorized under RCW 28A.310.470.

(2) The purpose of the online system is to:

(a) Provide a uniform, centralized platform for creating and managing individualized education programs;

(b) Ensure compliance with federal and state special education requirements;

(c) Improve the efficiency and effectiveness of individualized education program development and oversight; and

(d) Improve educator collaboration and serve as an instructional tool designed to improve educational outcomes by aligning individualized supports and services with evidence-based instructional practices.

(3) The online system must:

(a) Have a statewide model that is made available at no cost to school districts, charter schools established under chapter 28A.710 RCW, and state-tribal education compact schools subject to chapter 28A.715 RCW;

(b) Incorporate safeguards to protect confidential student information, including compliance with the federal family educational rights and privacy act and any other applicable privacy laws;

(c) Allow for secure, role-based access so that only authorized users may view or modify individualized education programs;

(d) Be able to integrate emerging technologies to continually enhance its functionality and effectiveness;

(e) Ensure that individualized education programs can show evidence of access to grade-level standards, reasonable progress, improved student outcomes, and students' strengths and needs;

(f) Include integrated language support and translation services;

(g) Allow for robust family engagement, including access to information about student progress that includes both qualitative and quantitative data and that provides information about how individualized education program goals connect to grade-level standards; and

(h) Comply with applicable state and federal accessibility standards.

(4) The superintendent of public instruction shall ensure statewide professional development opportunities are available to educators, administrators, and families to support the effective use and implementation of the statewide online system for individualized education

programs, including targeted technical assistance.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) Subject to availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must award grants to up to 20 pilot schools to support school-wide centers of excellence for inclusionary practices. School districts may apply for grant funding on behalf of a school within their district. The selected schools will generate a grant equivalent to the amount needed to bring the school to a multiplier of 1.5 for all students eligible for, and receiving special education in, the school in each school year over a four-year period. Grant amounts provided in this section must be spent on qualifying expenses for special education programs for students with disabilities.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this subsection (2). Selected pilot schools must be diverse geographically and in size of enrollment. Successful school applicants must:

(a) Demonstrate engaged and committed school leadership and faculty in support of inclusionary practices, which may include, but are not limited to, the following practices:

(i) A willingness to make master schedule changes to allow for common collaboration time;

(ii) A plan for transformational change in building practices in support of inclusion;

(iii) Broadly communicating a commitment to the shift in practices; and

(iv) A commitment to, and understanding of, universal design for learning;

(b) Demonstrate that all school staff, including classified staff, are appropriately trained in inclusionary practices or submit a plan for all staff to obtain the appropriate training by the end of the following school year;

(c) Provide data demonstrating the school's existing success in inclusionary practices or recent improvements in inclusionary practices; and

(d) Describe how staff training and support in inclusionary practices will be sustained after initial training is provided.

(3) Beginning December 1, 2026, and annually thereafter, the office of the superintendent of public instruction shall submit a report to the appropriate committees of the legislature on the grant program. The report must include, at a minimum:

(a) A list of the grant recipients from the previous school year;

(b) The additional funding provided to each grant recipient as required in subsection (1) of this section; and

(c) The effectiveness of the grant funds in increasing staff training in inclusionary practices and improving student outcomes.

(4) The funding provided under this section is not part of the state's statutory program of basic education.

**Sec. 5.** RCW 43.216.580 and 2024 c 284 s 1 are each amended to read as follows:

(1) The department is the state lead agency for Part C of the federal individuals with disabilities education act. The department shall administer the early support for infants and toddlers program, to provide early intervention services to all eligible children with disabilities from birth to three years of age. Eligibility shall be determined according to Part C of the federal individuals with disabilities education act or other applicable federal and state laws, and as specified in the Washington Administrative Code adopted by the department. Services provided under this section shall not supplant services or funding currently provided in the state for early intervention services to eligible children with disabilities from birth to three years of age.

(2)(a) Funding for the early support for infants and toddlers program shall be appropriated to the department based on the annual average head count of children ages birth to three who are eligible for and receiving early intervention services, multiplied by the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools, multiplied by ~~((1.15)) the multiplier used in RCW 28A.150.390(2)(a).~~

(b) The department shall distribute funds to early intervention services providers, and, when appropriate, to county lead agencies.

(c) For the purposes of this subsection (2), a child is receiving early intervention services if the child has received services within the same month as the monthly count day, which is the last business day of the month.

(3) Federal funds associated with Part C of the federal individuals with disabilities education act shall be subject to payor of last resort requirements pursuant to 34 C.F.R. Sec. 303.510 (2020) for birth-to-three early intervention services provided under this section.

(4) The services in this section are not part of the state's program of basic education pursuant to Article IX of the state Constitution.

**Sec. 6.** RCW 28A.150.392 and 2024 c 127 s 2 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall

expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. When determining award eligibility and amounts~~((+))~~, the committee shall limit its review to relevant documentation that illustrates adherence to award criteria. The committee shall not make determinations regarding the content of individualized education programs beyond confirming documented and quantified services and evidence of corresponding expenditures for which a school district seeks reimbursement.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for students eligible for special education and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) ~~((and (f)))~~ of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

~~(f) ((Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2)-(f) shall be adjusted to reflect amounts awarded under (c) of this subsection.~~

~~(g))~~ The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education served in residential schools, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the extent they are providing a secondary program of education.

~~((+))~~ (g) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

~~((+))~~ (h) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

~~((+))~~ (i) Safety net awards must be adjusted for any unresolved audit findings or exceptions related to special education funding. Safety net awards may only be adjusted for errors in safety net applications or individualized education programs that materially affect the demonstration of need.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) (a) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(b) By December 1, 2024, the office of the superintendent of public instruction must develop a survey requesting specific feedback on the safety net application process from school districts with 3,000 or fewer students. The survey must include, at a minimum, questions regarding the average amount of time school district staff spend gathering safety net application data, filling out application forms, and correcting application deficiencies. The survey must also include questions to help identify which application components are the most challenging and time consuming for school districts to complete. By December 1, 2025, the office of the superintendent of public instruction must use this feedback to implement a simplified, standardized safety



net application for all school districts that reduces barriers to safety net funding.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(6) ~~((a))~~ Beginning in the 2026-27 school year, the office of the superintendent of public instruction must distribute safety net awards to school districts on a quarterly basis if the following criteria are met:

(a) The safety net award is provided for a high cost student who receives special education services from an authorized entity, as defined under RCW 28A.300.690, located outside of the state of Washington;

(b) The school district successfully applied for and received a safety net award for the high cost student in a prior school year and the student's placement has not changed since that safety net award was granted; and

(c) The school district meets all other safety net award eligibility requirements as determined by the safety net oversight committee.

(7) Beginning in the 2026-27 school year, the office of the superintendent of public instruction must distribute safety net awards to second-class school districts on a quarterly basis.

(8) Beginning in the ~~((2019-20))~~ 2025-26 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and ~~((g))~~ ~~((f))~~ of this section ~~((if the student's individualized education program costs exceed two and three-tenths times the average per-pupil expenditure as defined in Title 20 U.S.C. Sec. 7801, the every student succeeds act of 2015.~~

(b) Beginning in the 2023-24 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section)) if the student's individualized education program costs exceed:

~~((i) 2))~~ (a) 1.8 times the average per-pupil expenditure ~~((7))~~ for school districts that meet any of the following criteria:

(i) The school district ~~((s—with))~~ has fewer than 1,000 full-time equivalent students;

(ii) ~~((2.2))~~ The school district has a percentage of identified students as defined in RCW 28A.235.300 of at least 60 percent; or

(iii) The school district has at least 60 percent of students enrolled in the transitional bilingual instructional program under chapter 28A.180 RCW.

(b) 2 times the average per-pupil expenditure ~~((7))~~ for school districts ~~((with 1,000 or more full-time equivalent students))~~ that meet none of the criteria listed in (a) of this subsection.

(c) For purposes of ~~((b) or (f))~~ this subsection, "average per-pupil expenditure" has the same meaning as in 20 U.S.C. Sec. 7801, the every student succeeds act of 2015, and excludes safety net funding provided in this section.

**Sec. 7.** RCW 28A.150.560 and 2023 c 417 s 6 are each amended to read as follows:

(1) It is the policy of the state that for purposes of state funding allocations, students eligible for and receiving special education generate the full basic education allocation under RCW 28A.150.260 and, as a class, are to receive the benefits of this allocation for the entire school day, as defined in RCW 28A.150.203, whether the student is placed in the general education setting or another setting.

(2) The superintendent of public instruction shall develop an allocation and cost accounting methodology ~~((that ensures state general apportionment funding for students who receive their basic education services primarily in an alternative classroom or setting are prorated and allocated to the special education program and accounted for before calculating special education excess costs))~~ to account for expenditures beyond amounts provided through the special education funding formula under RCW 28A.150.390. This method of accounting must shift 25 percent of a school district's base allocation as defined in RCW 28A.150.390 for students eligible for and receiving special education to the school district's special education program for expenditure.

(3) To the extent that a school district's special education program expenditures exceed state funding in a school year provided under RCW 28A.150.390 and 28A.150.392, and redirected general apportionment revenue under subsection (2) of this section, the school district must use the remaining portion of the school district's base allocation as defined in RCW 28A.150.390 for students eligible for and receiving special education for the expenditures prior to using other funding sources.

(4) Unless otherwise prohibited by law, nothing in this section prohibits school districts from using other funding and state allocations above the amounts provided under RCW 28A.150.390 and subsections (2) and (3) of this section to serve students eligible for and receiving special education.

(5) Nothing in this section requires districts to provide services in a manner inconsistent with the student's individualized education program or other than in the least restrictive environment as determined by the individualized education program team.

~~((3))~~ (6) The superintendent of public instruction shall provide the legislature with an accounting of prorated general apportionment allocations provided to special education programs broken down by school district by January 1, 2024, and then every January 1st of odd-numbered years thereafter.

NEW SECTION. **Sec. 8.** Sections 1 and 5 of this act takes effect September 1, 2025.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Gregerson and Gregerson (again) spoke in favor of the adoption of the striking amendment.

Representative Couture spoke against the adoption of the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Simmons presiding) divided the House. The result was 50 - YEAS; 40 - NAYS.

The striking amendment (1407) 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 Gregerson and Couture spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Hackney was excused.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5263, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5263, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Mendoza, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Zahn

Excused: Representatives Hackney, Morgan and Mme. Speaker

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5263, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

#### SECOND READING

##### SENATE BILL NO. 5807, by Senator Robinson

##### Concerning wellness incentives for public and school employee health benefit plans.

The bill was read the second time.

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

Representatives Stonier and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Senate Bill No. 5807.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5807, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Mendoza, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Zahn

Voting Nay: Representatives Paul, Rude and Scott

Excused: Representatives Morgan and Mme. Speaker

SENATE BILL NO. 5807, having received the necessary constitutional majority, was declared passed.

##### SUBSTITUTE SENATE BILL NO. 5790, Robinsonby Senate Committee on Ways & Means (originally sponsored by Robinson)

##### Concerning cost-of-living adjustments for community and technical college employees.

The bill was read the second time.

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

Representatives Gregerson and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5790.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5790, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, McEntire, Mena, Mendoza, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin,

Santos, Schmick, Schmidt, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Zahn

Voting Nay: Representative Scott

Excused: Representatives Morgan and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5790, having received the necessary constitutional majority, was declared passed.

### MOTION

Representative Stonier moved that the House immediately transmit the bills just acted upon to the Senate.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the motion to immediately transmit the bills just acted upon to the Senate, and the motion carried by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

Excused: Representative Morgan

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

### THIRD READING

### MESSAGE FROM THE SENATE

Friday, April 11, 2025

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296, with the following amendment(s): 1296-S.E AMS ENGR S2663.E

Strike everything after the enacting clause and insert the following:

### "PART ONE PROTECTION OF STUDENTS' SAFETY, EDUCATION ACCESS, AND PRIVACY

NEW SECTION. **Sec. 101.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) It is the policy of the state of Washington that policies and procedures adopted by school districts under this title must prioritize the protection of every student's safety, access to an academic environment free of discrimination, access to the state's statutory program of basic education as defined in RCW 28A.150.203, and privacy, to the fullest extent possible, except as required by state or federal law.

This policy serves as a supplement to school district policies and procedures established under this title, both before and after the effective date of this section, and must be considered an integral part of those school district policies and procedures.

(2) The office of the superintendent of public instruction shall develop technical assistance and related materials to assist school districts with the implementation of subsection (1) of this section. The assistance and related materials must include a summary of: The privacy rights of minors; and the licensure or other professional requirements for school district employment classifications, if any, related to protecting student privacy.

(3) The office of the superintendent of public instruction may enforce and obtain compliance with subsection (1) of this section by using the process established in section 303 of this act to the extent there is a valid complaint and subsequent finding of willful noncompliance with state law as defined in section 302 of this act.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent as it applies to school districts.

NEW SECTION. **Sec. 102.** A new section is added to chapter 28A.642 RCW to read as follows:

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

(1) "Ethnicity" means a connection to a population group that shares a common cultural heritage or ancestry.

(2) "Gender expression" means the external appearance of one's gender identity, usually expressed through behavior, clothing, body characteristics, or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

(3) "Gender identity" means a person's internal sense of being male, female, both, neither, or in-between, independent of how it is expressed or perceived by others.

(4) "Homelessness" means without a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as set forth in the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11301 et seq.

(5) "Immigration or citizenship status" has the same meaning as defined in RCW 43.17.420.

(6) "Neurodivergence" means neurological differences including, but not limited to, autism spectrum disorder, dyslexia, and attention deficit hyperactivity disorder. Neurodivergent individuals may or may not identify as disabled.

(7) "Sexual orientation" means an individual's enduring pattern of romantic, emotional, or sexual attraction to people of

the same gender, a different gender, or multiple genders.

**Sec. 103.** RCW 28A.642.010 and 2010 c 240 s 2 are each amended to read as follows:

Discrimination in Washington public schools on the basis of race, ethnicity, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation ~~((including))~~, gender expression ~~((or))~~, gender identity, homelessness, immigration or citizenship status, the presence of any sensory, mental, or physical disability, neurodivergence, or the use of a trained dog guide or service animal by a person with a disability is prohibited. The definitions given these terms in chapter 49.60 RCW apply throughout this chapter except as provided in section 102 of this act and unless the context clearly requires otherwise.

## PART TWO

### THE STATEMENT OF STUDENT RIGHTS

NEW SECTION. **Sec. 201.** (1) The legislature finds that public education is a cornerstone of a healthy, diverse, and productive society.

(2) Article IX of the state Constitution requires the state to make ample provision for the education of all children residing within its borders. This requirement recognizes that public schools are foundational to our democracy, working in partnership with families and communities to shape the next generation of leaders into respectful and engaged critical thinkers, resulting in economic prosperity and innovation for the state and its residents.

(3) In recognition of the role that public education can play in providing students with information about their rights and about how to employ their rights for the betterment of education and society, the legislature intends to require each school district, charter school, and state-tribal education compact school to develop student-focused educational and promotional materials, for communication and classroom use, that incorporate the statement of student rights established in section 202 of this act.

NEW SECTION. **Sec. 202.** A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a)(i) Each school district, charter school, and state-tribal education compact school shall develop student-focused educational and promotional materials that incorporate the statement of student rights provided by this section. A link to the materials must be made available on school district, charter school, and state-tribal education compact school websites, social media platforms, and other communication channels used by students.

(ii) The materials described in this subsection must also be incorporated into civics education materials and resources provided to students in accordance with RCW 28A.230.094.

(b) The office of the superintendent of public instruction shall make the statement of student rights available on its website and is encouraged to include the statement in materials provided under RCW 28A.230.150.

(2) The statement of student rights is as follows:

(a) Public school students are the beneficiaries of the foundational principles of individual liberty and equality, as established in the Declaration of Independence, and are entitled to numerous rights and protections under the Constitution of the United States, the Constitution of the state of Washington, and federal and state laws and regulations.

(b) These rights and protections include, but are not limited to, the following:

(i) The right to access an amply funded program of basic education, established pursuant to Article IX of the Constitution of the state of Washington, that provides an opportunity to develop the knowledge and skills necessary to meet state-established graduation requirements, which are intended to provide students with the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship as established in RCW 28A.150.200;

(ii) The right to learn in a safe, supportive learning environment, free from harassment, intimidation, or bullying and the right to file a complaint under RCW 28A.600.477 if they are subject to this behavior;

(iii) The right to access an academic environment free of discrimination according to the provisions established in chapters 28A.640, 28A.642, and 49.60 RCW;

(iv) The right to exercise constitutionally protected freedoms as established in the United States and Washington state Constitutions and as further interpreted in applicable case law including, but not limited to, the freedoms of speech, assembly, and exercise of religion;

(v) The right, in accordance with RCW 28A.300.286 and 28A.600.010, to receive copies of all school policies and procedures related to students including, but not limited to: Student conduct; nondiscrimination rules; antiharassment, intimidation, and bullying rules; discipline rules and rules related to due process rights for disciplinary actions; and the opportunity to receive educational services;

(vi) The right of students with qualifying disabilities to receive special education and related services that address their individual needs in accordance with federal law and chapter 28A.155 RCW;

(vii) The right of youth to access education programs while residing in institutional education facilities, including adult correctional facilities, in accordance with RCW 28A.150.200 and chapters 28A.190 and 28A.193 RCW;

(viii) The right of qualified students to use education facilities and services established under chapter 72.40 RCW and funded for the benefit of persons who are deaf, blind, or both; and

(ix) The right to access academic courses and instructional materials with

historically and scientifically accurate information that includes the histories, contributions, and perspectives of historically marginalized and underrepresented groups in accordance with RCW 28A.345.130.

(3) The rights identified in this section are not intended to be a comprehensive delineation of student rights, the manner in which they are derived, or the associated legal limits, nor is this section intended to have any application to rights established in other titles or in other provisions of state and federal law.

(4) For purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

(5) Nothing in this section creates a private right of action.

**Sec. 203.** RCW 28A.230.094 and 2020 c 208 s 9 are each amended to read as follows:

(1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction embedded in other social studies courses do not satisfy the requirements of this subsection.

(b) Credit awarded to students who complete the civics course must be applied to course credit requirements in social studies that are required for high school graduation.

(c) Civics content and instruction required by this section may be embedded in social studies courses that offer students the opportunity to earn both high school and postsecondary credit.

(2) The content of the civics course must include, but is not limited to:

(a) Federal, state, tribal, and local government organization and procedures;

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions, including the statement of student rights and materials delineated in section 202 of this act;

(c) Current issues addressed at each level of government;

(d) Electoral issues, including elections, ballot measures, initiatives, and referenda;

(e) The study and completion of the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens; and

(f) The importance in a free society of living the basic values and character traits specified in RCW 28A.150.211.

(3) By September 1, 2020, the office of the superintendent of public instruction, in collaboration with the Washington state association of county auditors and a 501(c)(3) nonprofit organization engaged in voter outreach and increasing voter participation, shall identify and make available civics materials and resources for use in courses under this section. The materials and resources must be posted on the office of

the superintendent of public instruction's website.

**NEW SECTION. Sec. 204.** Sections 201 through 203 of this act may be known and cited as the statement of student rights act.

### **PART THREE**

#### **ENSURING PROTECTION OF STUDENTS' SAFETY, EDUCATION ACCESS, CIVIL RIGHTS, AND PRIVACY**

**NEW SECTION. Sec. 301.** (1) The legislature acknowledges and supports the importance of local control for school district governance. Local school boards and superintendents are in the best position to effectively and quickly respond to the needs of their communities. However, local control is not absolute and must also be balanced against the need to ensure all students have access to a healthy, safe learning environment that celebrates and protects their diversity and civil rights. There are certain areas of state law that are critically important to ensuring every student has equal access to this type of supportive and responsive learning environment.

(2) The legislature is aware that some school districts are intentionally not complying with certain requirements in state law and that this noncompliance is negatively impacting students. School board members and superintendents are uniquely responsible for ensuring that their school district is in compliance with those state laws and members of the school district should have a mechanism to hold those individuals accountable if state laws are not followed.

(3) The legislature therefore intends to establish a complaint process for students, parents, and community members to address willful noncompliance with certain state laws that are necessary for protecting the health, safety, and civil rights of students in order to ensure every student has access to a positive learning environment.

**NEW SECTION. Sec. 302.** Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 303 through 305 of this act.

(1) "Broad complaint" means a complaint that impacts an entire student body, an entire subgroup of students within a student body, an entire school, or an entire school district.

(2) "Limited complaint" means a complaint that impacts one or more individual students.

(3) "Negligent" means the failure to exercise ordinary care by a local school district superintendent, a local school district board of directors, or an individual member or members of a board of directors, and the actor knew or reasonably should have known that the failure to exercise ordinary care would result in noncompliance with state law as defined in this section.

(4) "Noncompliance with state law" means action or inaction by a local school

district superintendent, a local school district board of directors, or an individual member or members of a board of directors, that results in noncompliance with the following state laws, which are intended to ensure academic rights and protections for students in the educational environment:

(a) State civil rights and nondiscrimination, including the nondiscrimination and sexual equality laws and model policy and procedure requirements related to protecting students' rights as established in chapters 28A.640 and 28A.642 RCW;

(b) "Harassment, intimidation, or bullying" requirements as established in RCW 28A.600.477;

(c) Curriculum requirements as described in RCW 28A.150.230, 28A.300.475, and 28A.320.170; the policies and procedures related to the selection or deletion of instructional materials required in RCW 28A.320.230; and the review and removal of supplemental instructional materials required in RCW 28A.320.235;

(d) The use of restraint or isolation on a student as described in RCW 28A.600.485; or

(e) Student discipline as described in chapter 28A.600 RCW.

(5) "Willful" means nonaccidental action or inaction by a local school district superintendent, a local school district board of directors, or an individual member or members of a board of directors, that the actor knew or reasonably should have known would result in noncompliance with state law.

**NEW SECTION. Sec. 303.** (1) By July 1, 2026, the office of the superintendent of public instruction must establish a process to investigate and secure equitable resolutions for two types of complaints alleging willful noncompliance with the state laws listed in section 302(4) of this act:

(a) Limited complaints; and

(b) Broad complaints.

(2)(a)(i) Any student who is enrolled in the school district or any parent or legal guardian who has a student enrolled in the school district may file a limited or broad complaint with the office of the superintendent of public instruction alleging willful noncompliance with a state law listed in section 302(4) of this act.

(ii) Anyone residing within the boundaries of the school district may file a broad complaint with the office of the superintendent of public instruction alleging willful noncompliance with a state law listed in section 302(4) of this act.

(b) Limited and broad complaints may be filed against a local school district superintendent, a local school district board of directors, or an individual member or members of a board of directors.

(c) Before a person may file a complaint with the office of the superintendent of public instruction, the person must exhaust available complaint procedures, if such procedures exist, including procedures established under state law including, but

not limited to, RCW 28A.320.124, 28A.320.230, 28A.410.090, 28A.600.477, 28A.640.020, and 28A.642.030, and local policy and procedure. If there are no complaint procedures available, the person who intends to file the complaint must provide notice of the complaint to the local school district superintendent before filing the complaint with the office of the superintendent of public instruction.

(3)(a) The office of the superintendent of public instruction must adopt rules that ensure due process regarding the complaint process, timelines, compliance action plans, and consequences established under this section and sections 304 and 305 of this act.

(b)(i) The office of the superintendent of public instruction must consult with the state board of education to build a connection between the rules adopted under this subsection and the state board of education's rules on basic education compliance established under RCW 28A.150.220 for complaints regarding willful noncompliance with curriculum requirements as described in section 302(4)(c) of this act.

(ii) The office of the superintendent of public instruction must consult with the office of the education ombuds about how to include the complaint process established under this section into the simple and uniform access point for the receipt of complaints created under RCW 43.06B.070.

(c) The office of the superintendent of public instruction may adopt rules to expedite the investigation of complaints related to an immediate health or safety concern.

(d) The office of the superintendent of public instruction may not take action against a school district or school district superintendent under the provisions established in section 305 of this act unless there is evidence that the school district superintendent, school district board of directors, or individual member or members of a board of directors acted in a willful manner or the school district has received a second notice of continued noncompliance.

**NEW SECTION. Sec. 304.** (1)(a) Upon receipt of a complaint filed under section 303 of this act, the office of the superintendent of public instruction must make an initial determination as to whether the complaint reasonably contains enough facts to allege noncompliance with state law as defined in section 302 of this act and whether other available complaint procedures have been exhausted as required by section 303 of this act.

(b) If the requirements in (a) of this subsection are met, the office of the superintendent of public instruction shall conduct a full investigation of the allegations in the complaint.

(c) If the requirements in (a) of this subsection are not met, the office of the superintendent of public instruction shall notify the complainant of that finding and is not required to investigate further.

(2)(a) If, after a full investigation as required under subsection (1)(b) of this section, the office of the superintendent of public instruction finds noncompliance with state law, but determines the noncompliance is not willful, the office of the superintendent of public instruction shall provide the school district with a first notice stating its determination of noncompliance and identify corrective actions and a timeline that the school district may take to come into compliance.

(b) If the school district fails to comply with the corrective actions identified in the first notice within the prescribed timeline, the office of the superintendent of public instruction shall provide the school district a second notice stating that continued failure to comply with corrective actions may result in consequences as established in section 305 of this act. Upon receipt of a second notice, the school district superintendent and school district board of directors must adopt and submit a compliance action plan to the office of the superintendent of public instruction for approval. The compliance action plan must describe how the school district will implement the corrective actions identified by the office of the superintendent of public instruction. Unless otherwise required by subsection (4) of this section, the compliance action plan must be submitted under a timeline as required by the office of the superintendent of public instruction.

(c) Before submitting the compliance action plan to the office of the superintendent of public instruction for approval, the school district board of directors must hold a public meeting to present the proposed compliance action plan to the community and allow for public comment on the proposed plan. For all such public meetings, individual students may not be identified without their consent, and the public meetings and materials prepared for such meetings must adhere to nondisclosure of personally identifiable information consistent with state and federal student privacy laws.

(3)(a) If, after a full investigation as required under subsection (1)(b) of this section, the office of the superintendent of public instruction finds willful noncompliance with state law, the office of the superintendent of public instruction shall provide the school district with a first notice stating its determination of willful noncompliance and identify corrective actions and a timeline that the school district may take to come into compliance. Upon receipt of the first notice, the school district board of directors shall hold a public meeting to present the finding of willful noncompliance with state law, the identified corrective actions and timeline for those actions, and take public comment on what additional actions the public thinks may be needed to come into compliance with state law.

(b) If the school district fails to comply with the corrective actions identified in the first notice within the prescribed timeline, the office of the superintendent of public instruction shall

provide the school district a second notice stating that continued failure to comply with corrective actions may result in consequences as established in section 305 of this act. Upon receipt of a second notice, the school district superintendent and school district board of directors must adopt and submit a compliance action plan to the office of the superintendent of public instruction for approval. The compliance action plan must describe how the school district will implement the corrective actions identified by the office of the superintendent of public instruction. Unless otherwise required by subsection (4) of this section, the compliance action plan must be submitted under a timeline as required by the office of the superintendent of public instruction. The compliance action plan must be developed in collaboration with the office of the superintendent of public instruction. In developing the compliance action plan, the school district must provide school district administrators, teachers, and other staff, parents of children attending a school within the school district, unions representing employees within the school district, students from the school district, and other impacted communities as appropriate with an opportunity to provide input on the development of the plan.

(c) Before submitting the compliance action plan to the office of the superintendent of public instruction for approval, the school district board of directors must hold a public meeting to present the proposed compliance action plan to the community and allow for public comment on the proposed plan. For all such public meetings, individual students may not be identified without their consent, and the public meetings and materials prepared for such meetings must adhere to nondisclosure of personally identifiable information consistent with state and federal student privacy laws.

(d) After submission and approval of the compliance action plan, the school district shall conduct additional public meetings with an opportunity for public comment at least once every six months to present school district progress on implementation of the compliance action plan until the superintendent of public instruction finds that the school district has come into compliance with state law.

(4) A compliance action plan developed under this section must, at a minimum, include the following:

(a) A description of the changes in the school district's or school's existing policies, structures, agreements, processes, and practices needed to come into compliance with state law; and

(b) The timeline for coming into compliance with state law.

(5) Compliance action plans must be developed in accordance with chapters 41.56 and 41.59 RCW where applicable.

(6) The office of the superintendent of public instruction may develop and publish additional guidelines for the development of compliance action plans as required by this section for use by school districts.

**NEW SECTION. Sec. 305.** (1) The office of the superintendent of public instruction may impose any of the following consequences on a school district if the district has been sent a second notice under the provisions of section 304 of this act:

(a) Require the school district to adopt or readopt policies and procedures to come into compliance with state law;

(b) Find that a local school district superintendent committed an act of unprofessional conduct under section 309 of this act and may be held accountable for such conduct under rules established under section 309 of this act; and

(c) As a last resort, withhold and redirect up to 20 percent of state funds allocated to the school district for basic education to support the compliance action plan required in section 304 of this act until the office of the superintendent of public instruction finds that the school district has come into compliance with state law. The office of the superintendent of public instruction must consider the school district's overall financial health when determining the amount of funds to withhold and redirect under this subsection. Written notice of the intent to withhold and redirect state funds, with reasons stated for this action, must be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld and redirected.

(2) Willful or negligent noncompliance with state law constitutes a violation of the oath of office under RCW 29A.56.110, and a member of a board of directors may be subject to recall and discharge under chapter 29A.56 RCW.

(3) Sections 303 and 304 of this act and this section do not restrict any existing authority the office of the superintendent of public instruction has to enforce compliance with state law, including health and safety requirements.

(4) Any party to a complaint may file a notice of appeal with the office of the superintendent of public instruction within 30 days of the final decision. An administrative law judge of the office of administrative hearings will hear and determine the appeal. Appeal proceedings must be conducted pursuant to chapter 34.05 RCW. An appeal of the administrative law judge's determination or order shall be to the superior court. The superior court's decision is subject only to discretionary review under the rules of appellate procedure.

**NEW SECTION. Sec. 306.** The office of the superintendent of public instruction may enact rules for implementation of sections 302 through 305, 312, and 313 of this act.

**Sec. 307.** RCW 43.06B.070 and 2024 c 219 s 1 are each amended to read as follows:

(1) By July 1, 2025, and in compliance with this section, the office of the education ombuds shall create a simple and uniform access point for the receipt of complaints involving the elementary and secondary education system. The purpose of

the access point is to provide a single point of entry for complaints to be reported and then referred to the most appropriate individual or entity for dispute resolution at the lowest level of intercession.

(2) Any individual who has firsthand knowledge of a violation of federal, state, or local laws, policies or procedures, or of improper or illegal actions related to elementary or secondary education and performed by an employee, contractor, student, parent or legal guardian of a student, or member of the public may submit a complaint to the office of the education ombuds.

(3)(a) The office shall delineate a complaint resolution and referral process for reports received through the access point. The process must:

(i) Require that the office of the education ombuds assign a unique identifier to a complaint upon receipt before referring the complaint to the appropriate individual or entity for dispute resolution at the lowest level of intercession;

(ii) Link to all existing relevant complaint and investigative processes, such as the special education community complaint process, the discrimination complaint process, the process for reporting complaints related to harassment, intimidation, and bullying, the complaint process established under section 303 of this act, and the complaint and investigation provisions under RCW 28A.410.090 and 28A.410.095; and

(iii) Discourage frivolous complaints and complaints made in bad faith.

(b) The establishment of a process as required in this section does not confer additional authority to the office of the education ombuds to mitigate or oversee disputes.

(4) The office of the education ombuds, in collaboration with the office of the superintendent of public instruction, must develop protocols for the receipt, resolution, and referral of complaints and must design a communications plan to inform individuals who report complaints through the access point about the steps in the complaint resolution and referral process, including when to expect a response from the individual or entity charged with resolving the complaint.

(5) For the purposes of this section, "employee" or "contractor" means employees and contractors of the state educational agencies, educational service districts, public schools as defined in RCW 28A.150.010, the state school for the blind, and the center for deaf and hard of hearing youth.

**Sec. 308.** RCW 28A.300.286 and 2023 c 242 s 1 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall develop, and periodically update, model student handbook language that includes information about ~~((policies))~~:

(a) Policies and complaint procedures related to discrimination, including sexual harassment and addressing transgender students, and information about policies and



complaint procedures related to harassment, intimidation, and bullying, as well as the overlap between the policies and complaint procedures (~~(1) The model student handbook language must also include a~~);

(b) A description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds; and

(c) The complaint process established under section 303 of this act.

(2) The model student handbook language must be aligned with existing requirements in state law including chapters 28A.640 and 28A.642 RCW and RCW 28A.600.477 and 28A.600.510. The model student handbook language must be jointly developed with the Washington state school directors' association, and in consultation with the office of the education ombuds. The model student handbook language must be posted publicly on the office of the superintendent of public instruction's website beginning July 1, 2024.

~~((2))~~ (3) Beginning with the 2024-25 school year, each school district must include the model student handbook language developed under subsection (1) of this section in any student, parent, employee, and volunteer handbook that it or one of its schools publishes and on the school district's website, and any school's website, if a school or the school district maintains a website. If a school district neither publishes a handbook nor maintains a website, it must provide the model student handbook language developed under subsection (1) of this section to each student, parent, employee, and volunteer at least annually.

**NEW SECTION. Sec. 309.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) The Washington professional educator standards board must adopt rules that make a local school district superintendent's or chief administrator's willful noncompliance with state law an act of unprofessional conduct and provide that a superintendent or chief administrator, whether certificated or not, may be held accountable for such conduct under rules established under this section. It is a defense to a finding of willful noncompliance with state law if the superintendent or chief administrator can show that they were actively attempting to bring the school district, charter school, or state-tribal education compact school into compliance with the applicable state law.

(2) For the purposes of this section, "willful" and "noncompliance with state law" have the same meaning as in section 302 of this act.

**Sec. 310.** RCW 28A.343.360 and 1990 c 33 s 314 are each amended to read as follows:

Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and the laws of the state of Washington and to faithfully

discharge the duties of the office according to the best of his or her ability. In case any official has a written appointment or commission, the official's oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the county auditor. Every person elected to the office of school director shall begin his or her term of office at the first official meeting of the board of directors following certification of the election results.

**Sec. 311.** RCW 28A.710.185 and 2023 c 356 s 11 are each amended to read as follows:

(1)(a) By November 1, 2023, the commission shall establish and maintain on its website an online system for students who attend charter schools, and the parents of those students, to submit complaints about the operation and administration of one or more charter schools, including complaints about the provision of education services and complaints alleging noncompliance with the requirements of this chapter or other provisions governing charter schools.

(b)(i) The commission shall acknowledge the receipt of each received complaint within 10 business days and shall, in a timely manner, perform any inquiries or other actions it deems necessary and appropriate to respond to each received complaint, unless the complaint is alleging willful noncompliance with state law as defined in section 302 of this act.

(ii) After determining that a person has exhausted any available complaint procedures in accordance with section 303(2)(c) of this act, the commission shall forward any complaints alleging willful noncompliance with state law as defined in section 302 of this act to the office of the superintendent of public instruction and these complaints must follow the process established under sections 303 through 305 of this act.

(2) The commission shall adopt and revise as necessary rules to implement this section.

**NEW SECTION. Sec. 312.** A new section is added to chapter 28A.710 RCW to read as follows:

(1) Except as provided otherwise by this section, sections 302 through 305 of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

(2) Section 302(4) of this act governs school operation and management under RCW 28A.710.040 and applies to charter schools to the extent that a statute or chapter listed in section 302(4) of this act applies to charter schools under RCW 28A.710.040.

**NEW SECTION. Sec. 313.** A new section is added to chapter 28A.715 RCW to read as follows:

(1) Except as provided otherwise by this section, sections 302 through 305 of this act govern school operation and management under RCW 28A.715.020 and apply to state-tribal education compact schools subject to this chapter to the same extent as it applies to school districts.

(2) Section 302(4) of this act governs school operation and management under RCW 28A.715.020 and applies to state-tribal education compact schools subject to this chapter to the extent that a statute or chapter listed in section 302(4) of this act applies to state-tribal education compact schools under RCW 28A.715.020.

**NEW SECTION. Sec. 314.** Sections 302 through 305 of this act are each added to chapter 28A.300 RCW.

**NEW SECTION. Sec. 315.** Section 308 of this act takes effect August 1, 2025.

#### **PART FOUR RETALIATION PROTECTIONS**

**NEW SECTION. Sec. 401.** A new section is added to chapter 28A.400 RCW to read as follows:

(1) School district employees and directors may not take an adverse employment action against any employee of the school district for:

(a) Supporting students in the exercise of their legal rights, including their right to a learning environment with historically and scientifically accurate information that: Includes the histories, contributions, and perspectives of historically marginalized and underrepresented groups as provided in RCW 28A.345.130; and provides students with an appreciation for the contributions and perspectives of diverse, global cultures; or

(b) Performing work in a manner consistent with RCW 28A.642.080, 28A.642.020, and 28A.605.005, and sections 101, 201, and 202 of this act.

(2) In addition to the prohibitions established in subsection (1) of this section, school district employees and directors may not take an adverse employment action against a teacher of the school district for:

(a) Instructing students in a manner consistent with state learning standards; or

(b) Using instructional materials approved in accordance with RCW 28A.320.230 that are culturally and experientially representative, including materials on the study of the role and contributions of individuals or groups that are part of a protected class under RCW 28A.642.010 and 28A.640.010.

(3) For the purposes of this section, an "adverse employment action" includes termination, demotion, suspension, discipline, denial of promotion, reassignment, negatively impacting the evaluation of certificated staff under RCW 28A.405.100, removal from, or denying access to, a supplemental contract, or otherwise taking any negative employment action against the employee.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent as it applies to school districts.

#### **PART FIVE RIGHTS OF PARENTS AND LEGAL GUARDIANS**

**Sec. 501.** RCW 28A.605.005 and 2024 c 4 s 1 are each amended to read as follows:

(1) The legislature finds that: (a) Parents are the primary stakeholders in their children's upbringing; (b) parental involvement is a significant factor in increasing student achievement; and (c) access to student information encourages greater parental involvement.

(2) Parents and legal guardians of ~~((public school children younger than 18 years old have all of))~~ children enrolled in public schools as defined in RCW 28A.150.010 have the following rights:

(a) To access their child's classroom and school-sponsored activities to observe in accordance with RCW 28A.605.020 and to examine the curriculum, textbooks, ~~((curriculum))~~ instructional materials, and supplemental ~~((material))~~ instructional materials used in their child's classroom in accordance with policies and procedures;

(b) (i) To inspect and review their child's ~~((public school))~~ education records ~~((in accordance with RCW 28A.605.030,))~~ and to request and receive a copy of their child's education records within ~~((40 business days of submitting a written request, either electronically or on paper))~~ a reasonable period of time, but not more than 45 days, of submitting a request in accordance with the federal family educational rights and privacy act of 1974, Title 20 U.S.C. Sec. 1232g, as in effect on January 1, 2025, and RCW 28A.605.030.

(ii) Parents ~~((or))~~ and legal guardians ~~((must))~~ choosing to inspect and review their child's education records may not be required by a public school to appear in person for the purposes of requesting or validating a request for their child's ~~((public school))~~ education records, provided the public school can ascertain the identity of the requestor.

(iii) No charge may be imposed on a parent or legal guardian to ~~((receive such records electronically))~~ inspect or review their child's education records or for the costs of searching for or retrieving the education records. Any charges for a ~~((paper))~~ copy of such records must be reasonable ~~((and)),~~ not prevent a parent, legal guardian, or eligible child from exercising the right to inspect and review the child's education records, and be set forth in the official policies and procedures of the school district and public school.

(iv) ~~((Public school records include all of the following:))~~

~~((A) Academic records including, but not limited to, test and assessment scores in accordance with RCW 28A.230.195;~~

~~((B) Medical or health records;~~

~~(C) Records of any mental health counseling;~~

~~(D) Records of any vocational counseling;~~

~~(E) Records of discipline, including expulsions and suspensions under RCW 28A.600.015;~~

~~(F) Records of attendance, including unexcused absences in accordance with RCW 28A.225.020;~~

~~(G) Records associated with a child's screening for learning challenges, exceptionalities, plans for an individualized education program, or plan adopted under section 504 of the rehabilitation act of 1973; and~~

~~(H) Any other student-specific files, documents, or other materials that are maintained by the public school.) Education records means those official records, files, and data directly related to a student and maintained by the public school including, but not limited to, records encompassing all the material kept in the child's cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, disciplinary status, test protocols, and individualized education programs;~~

~~(v) Education records do not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;~~

~~(vi) Nothing in this section changes the access and disclosure provisions established in chapter 70.02 RCW related to health care information;~~

~~(c) ((To receive prior notification when medical services are being offered to their child, except where emergency medical treatment is required. In cases where emergency medical treatment is required, the parent and legal guardian must be notified as soon as practicable after the treatment is rendered;~~

~~(d) To receive notification when any medical service or medications have been provided to their child that could result in any financial impact to the parent's or legal guardian's health insurance payments or copays;~~

~~(e) To receive notification when the school has arranged directly or indirectly for medical treatment that results in follow-up care beyond normal school hours. Follow-up care includes monitoring the child for aches and pains, medications, medical devices such as crutches, and emotional care needed for the healing process;~~

~~((f))) To receive immediate notification ((if)) upon receipt of a report that a criminal action is ((deemed)) alleged to have been committed against their child ((or by their child)) on school property during the school day or during a school sponsored activity, including immediate notification if there has been a shooting on school property, or their child has been detained based on probable cause of involvement in criminal activity on school property during the school day;~~

~~((g))) (d) To receive immediate notification upon receipt of a report that~~

their child is alleged to be the victim, target, or recipient of physical or sexual abuse, sexual misconduct, or assault by a school employee or school contractor, as required by RCW 28A.320.160;

((e) To receive immediate notification if law enforcement personnel question their child during a custodial interrogation at the school during the school day, except in cases where the parent or legal guardian has been accused of abusing or neglecting the child;

((h))) (f) To ((receive immediate notification if their child is taken or removed from the public school campus without parental permission, including to stay at a youth shelter or "host home" as defined in RCW 74.15.020;

((i) To receive assurance their child's public school will not discriminate against their child based upon the sincerely held religious beliefs of the child's family in accordance with chapter) not have their child removed from school grounds or buildings during school hours without authorization of a parent or legal guardian according to the provisions in RCW 28A.605.010. Nothing in this section affects the provisions in RCW 74.15.020, 13.32A.082, 26.44.050, or 26.44.115;

((g) To have their child receive a public education in a setting in which discrimination on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited under chapters 28A.640 and 28A.642 RCW;

((j)) To)) (h) In accordance with the protection of pupil rights, Title 20 U.S.C. Sec. 1232h, the right to receive written notice and the option to opt their child out of any ((surveys, assignments, questionnaires, role-playing activities, recordings of their child, or other student engagements that include questions about any of the following;

((i) The child's sexual experiences or attractions;

((ii) The child's family beliefs, morality, religion, or political affiliations;

((iii) Any mental health or psychological problems of the child or a family member; and

((iv) All surveys, analyses, and evaluations subject to areas covered by the protection of pupil rights amendment of the family educational rights and privacy act)) survey, analysis, or evaluation that reveals information concerning;

((i) Political affiliations or beliefs of the student or the student's parent or legal guardian;

((ii) Mental or psychological problems of the student or the student's family;

((iii) Sex behavior and attitudes;

((iv) Illegal, antisocial, self-incriminating or demeaning behavior;

((v) Critical appraisals of other individuals with whom respondents have close family relationships;

(vi) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

(vii) Religious practices, affiliations, or beliefs of the student or student's parent or legal guardian; or

(viii) Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program;

~~((\*)~~)(i) To receive written notice and have the option to opt their child out of ((instruction on topics associated with sexual activity)) comprehensive sexual health education in accordance with RCW 28A.300.475;

~~((l)~~)(j) To receive from the public school the annual school calendar, no later than 30 days prior to the beginning of the school year, and to be notified in writing as soon as feasible of any revisions to such calendar. Such calendar must be posted to the public school's website and must include, at a minimum, student attendance days and any known event that requires parent, legal guardian, or student attendance outside of normal school days or hours;

~~((m)~~)(k) To receive in writing each year or to view on the public school's website a comprehensive listing of any required fee and its purpose and use and a description of how economic hardships may be ((addressed;

~~(n))~~ considered in the administration of fees;

(l) To receive in writing each year or to view on the public school's website a description of the school's required dress code or uniform established pursuant to the policies established and allowed by RCW 28A.320.140, if applicable, for students; ((and

~~(o))~~ (m) To be informed if their child's academic ((performance, including whether their child is provided a student learning plan under RCW 28A.655.270)) progress, including the right to receive periodic reports on their child's educational growth and development in accordance with RCW 28A.150.240 and to receive notice of their child's performance on state learning standards tests and assessments in accordance with RCW 28A.230.195, and whether the performance, is such that it could threaten the child's ability to be promoted to the next grade level ((and to be offered)). A parent or legal guardian also has the right to request an in-person meeting with the child's classroom teacher and principal to discuss any resources or strategies available to support and encourage the child's academic improvement;

(n) To file a complaint on behalf of their child under RCW 28A.600.477 relating to harassment, intimidation, and bullying;

(o) To have their child qualify for enrollment in a school district if they are transferred to, or pending transfer to, a military installation within the state in accordance with RCW 28A.225.216;

(p) To request enrollment for their child in a charter school established under chapter 28A.710 RCW;

(q) To have their child qualify without a legal residence for enrollment in a school district in accordance with RCW 28A.225.215;

(r) To have their child whose primary language is not English access supplemental instruction and services through the transitional bilingual instruction program in accordance with RCW 28A.150.220;

(s) To receive annual notice of the public school's language access policies and services, the parents' rights to free language access services under Title VI of the civil rights act of 1964, 42 U.S.C. Sec. 2000d, et seq., and the contact information for any language access services under RCW 28A.183.040;

(t) To request enrollment for their child in a nonresident school district in accordance with RCW 28A.225.220, 28A.225.225, and 28A.225.230;

(u) To be notified of unexcused absences and to engage in efforts to eliminate or reduce their child's absences in accordance with RCW 28A.225.015, 28A.225.018, and 28A.225.020;

(v) To request, under RCW 28A.155.090, information about special education programs and assistance for their child if their child is eligible for but not receiving special education services, including due to illness;

(w) To request an appeal to the superintendent of public instruction under RCW 28A.155.080 if their child with disabilities has been denied the opportunity of a special education program by a school district or public school; and

(x) To access special education due process hearings regarding their child as required by RCW 28A.155.020.

(3) Notwithstanding anything to the contrary, a public school shall not be required to release any records or information regarding a student's ((medical or health records or mental health counseling)) health care, social work, counseling, or disciplinary records to a parent or legal guardian who is the defendant in a criminal proceeding where the student is the named victim or during the pendency of an investigation of child abuse or neglect conducted by any law enforcement agency or the department of children, youth, and families where the parent or legal guardian is the target of the investigation, unless the parent or legal guardian has obtained a court order.

(4) ((As used in this section "public school" has the same meaning as in RCW 28A.150.010)) Nothing in this section creates a private right of action.

## **PART SIX MISCELLANEOUS PROVISIONS**

**Sec. 601.** RCW 28A.320.160 and 2005 c 274 s 244 are each amended to read as follows:

((School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct.)) (1) After receiving a report of

an allegation that a student is a victim, target, or recipient of physical or sexual abuse, sexual misconduct, or assault by a school employee or school contractor, the school district must immediately notify the parents or legal guardians of that student.

(2) School districts shall provide parents and legal guardians with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information ~~((shall))~~ must be provided to all parents and legal guardians on an annual basis.

(3) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent it applies to school districts.

**Sec. 602.** RCW 28A.400.317 and 2013 c 10 s 4 are each amended to read as follows:

(1) A certificated or classified school employee or school contractor who has knowledge or reasonable cause to believe that a student has been a victim, target, or recipient of physical or sexual abuse ~~((or))~~, sexual misconduct, or assault by another school employee or contractor, shall report such abuse ~~((or))~~, misconduct, or assault to the appropriate school administrator. The school administrator shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the sexual misconduct ~~((or))~~, physical or sexual abuse, or assault has occurred as required under RCW 26.44.030. During the process of making a reasonable cause determination, the school administrator shall contact all parties involved in the complaint and immediately notify parents and legal guardians as required by RCW 28A.320.160.

(2) Certificated and classified school employees shall receive training regarding their reporting obligations under state law in their orientation training when hired and then every three years thereafter. The training required under this subsection may be incorporated within existing training programs and related resources.

(3) Nothing in this section changes any of the duties established under RCW 26.44.030.

**NEW SECTION. Sec. 603.** Except for section 308 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "entities;" strike the remainder of the title and insert "amending RCW 28A.642.010, 28A.230.094, 43.06B.070, 28A.300.286, 28A.343.360, 28A.710.185, 28A.605.005, 28A.320.160, and 28A.400.317; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.642 RCW; adding a new section to chapter 28A.230 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a

new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; adding a new section to chapter 28A.400 RCW; creating new sections; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

## MOTION

Representative Santos moved that the House concur with the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296.

## POINT OF ORDER

Representative Rude requested a point of order ruling on the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296 being in violation of House Rule 12(D).

## SPEAKER'S RULING

"Under Article 2, Section 9 of the Washington State Constitution, each house may determine the rules of its own proceedings.

In accordance with this provision, each chamber separately adopts rules governing their respective proceedings. Engrossed Substitute House Bill 1296 was amended in the Senate and adds language which also appears in House Bill 1855.

By its own terms, however, House Rule 12(D) applies only to the process of amending a bill in the House by the House. It does not apply to the amendment process in the Senate.

Therefore, the Speaker finds and rules that House Rule 12(D) is irrelevant to the Senate's amendment process.

The point is not well-taken."

Representative Santos and Santos (again) spoke in favor of the motion to concur.

Representatives Rude and Keaton spoke against the motion to concur.

An electronic roll call has been requested.

## ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendment(s) to Engrossed Substitute House Bill No. 1296, and the motion carried by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296 and advanced the bill, as amended by the Senate, to final passage.

Representatives Santos, Ortiz-Self, Scott and Stonier spoke in favor of the passage of the bill.

Representatives McEntire, Jacobsen, Walsh, Chase, Keaton, Manjarrez, Griffey, Graham and Burnett spoke against the passage of the bill.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1296, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1296, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rule, Ryu, Salahuddin, Santos, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Rude, Schmick, Schmidt, Steele, Stokesbary, Stuebe, Volz, Walsh, Waters and Ybarra

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Simmons presiding) called upon Representative Shavers to preside.

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

#### **MESSAGE FROM THE SENATE**

Thursday, April 24, 2025

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5083  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5143  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5357  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5390  
SENATE BILL NO. 5571  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5686  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5752  
SENATE BILL NO. 5761  
ENGROSSED SENATE BILL NO. 5769  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5794  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5813  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5814

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

#### **MESSAGE FROM THE SENATE**

Thursday, April 24, 2025

Mme. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1131  
SECOND SUBSTITUTE HOUSE BILL NO. 1162  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1163  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1232  
ENGROSSED HOUSE BILL NO. 1329  
SUBSTITUTE HOUSE BILL NO. 1351  
SECOND SUBSTITUTE HOUSE BILL NO. 1359  
SUBSTITUTE HOUSE BILL NO. 1371  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432  
SUBSTITUTE HOUSE BILL NO. 1460  
SECOND SUBSTITUTE HOUSE BILL NO. 1462  
THIRD SUBSTITUTE HOUSE BILL NO. 1491  
SECOND SUBSTITUTE HOUSE BILL NO. 1497  
SECOND SUBSTITUTE HOUSE BILL NO. 1514  
SECOND SUBSTITUTE HOUSE BILL NO. 1515  
SUBSTITUTE HOUSE BILL NO. 1543  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1648  
SUBSTITUTE HOUSE BILL NO. 1670  
SUBSTITUTE HOUSE BILL NO. 1709  
HOUSE BILL NO. 1731  
SUBSTITUTE HOUSE BILL NO. 1774  
HOUSE BILL NO. 1934  
SUBSTITUTE HOUSE BILL NO. 1958  
SECOND SUBSTITUTE HOUSE BILL NO. 1975  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2015

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

#### **MESSAGE FROM THE SENATE**

Thursday, April 24, 2025

Mme. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5127  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5192  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5284  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5291  
SENATE BILL NO. 5319  
SUBSTITUTE SENATE BILL NO. 5394  
SUBSTITUTE SENATE BILL NO. 5419  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5445  
SUBSTITUTE SENATE BILL NO. 5503  
SENATE BILL NO. 5506  
SUBSTITUTE SENATE BILL NO. 5556  
SUBSTITUTE SENATE BILL NO. 5568  
SUBSTITUTE SENATE BILL NO. 5583  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5627  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5628  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5651  
SENATE BILL NO. 5680  
SUBSTITUTE SENATE BILL NO. 5691  
ENGROSSED SENATE BILL NO. 5721

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

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

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5785, Robinsonby Senate Committee on Ways & Means (originally sponsored by Robinson)**

**Amending the Washington college grant and college bound scholarship.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Appropriations was before the House for purpose of amendment. For Committee amendment, see Journal, Day 101, Wednesday, April 23, 2025.

Representative Mena moved the adoption of amendment (1422) to the committee striking amendment:

On page 1, at the beginning of line 3 of the striking amendment, insert:

"NEW SECTION. **Sec. 1.** The legislature finds that postsecondary education is critical for the economic mobility of Washingtonians. The Washington college grant established an entitlement program to provide financial aid for low-income students. It is the intent of the legislature to continue assessing state financial aid offered to students attending institutions of higher education across all sectors in Washington in order to serve students pursuing postsecondary education. Further, it is the intent to continue assessing the college bound program available to students attending institutions of higher education across all sectors in Washington."

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

Representatives Mena and Couture spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1422) 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 Gregerson, Leavitt and Pollet spoke in favor of the passage of the bill.

Representatives Couture, Corry, Ybarra, Burnett, Keaton, Rude, Mendoza, Low, Corry (again) and Ybarra (again) spoke against the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5785, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5785, as amended by the House, and the bill

passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Ryu, Salahuddin, Santos, Scott, Simmons, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Penner, Rude, Rule, Schmick, Schmidt, Shavers, Springer, Steele, Stokesbary, Stuebe, Volz, Walen, Walsh, Waters and Ybarra

SUBSTITUTE SENATE BILL NO. 5785, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5786, Stanfordby Senate Committee on Ways & Means (originally sponsored by Stanford)**

**Increasing license, permit, and endorsement fees.**

The bill was read the second time.

Representative Springer moved the adoption of amendment (1424):

On page 8, line 35, after "~~dollars~~)" strike "\$474" and insert "\$2,000"

On page 43, line 35, after "~~dollars~~)" strike "\$975" and insert "\$550"

On page 53, beginning on line 33, after "area" strike all material through "\$2,500" on line 34 and insert "\$2,700"

On page 53, beginning on line 35, after "area" strike all material through "\$2,000" on line 36 and insert "\$2,200"

On page 53, beginning on line 37, after "only" strike all material through "\$1,250" on line 38 and insert "\$1,400"

On page 75, line 39, after "~~dollars~~)" strike "\$249" and insert "\$550"

On page 86, at the beginning of line 16, strike "The" and insert "(1) Except as provided in subsection (2) of this section, the"

On page 86, after line 18, insert the following:

"(2) The board must increase the fee set pursuant to RCW 66.20.010(3) to \$25."

Representative Springer spoke in favor of the adoption of the amendment.

Representative Corry spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Shavers presiding) divided the House. The result was 52 - YEAS; 39 - NAYS.

Amendment (1424) was adopted.

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

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

Representatives Corry, Waters, Manjarrez and Burnett spoke against the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5786, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5786, as amended by the House, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Lekanoff, Macri, Mena, Morgan, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Peterson, Pollet, Ramel, Reed, Reeves, Ryu, Salahuddin, Santos, Scott, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Bronoske, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Leavitt, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Orcutt, Paul, Penner, Richards, Rude, Rule, Schmick, Schmidt, Shavers, Steele, Stokesbary, Stuebe, Timmons, Volz, Walen, Walsh, Waters and Ybarra

SECOND SUBSTITUTE SENATE BILL NO. 5786, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SECOND SUBSTITUTE SENATE BILL NO. 5802, Liias and Kingby Senate Committee on Ways & Means (originally sponsored by Liias and King)

#### Rebalancing statutory fund transfers and revenue dedications for transportation.

The bill was read the second time.

Representative Fitzgibbon moved the adoption of amendment (1420):

On page 5, line 22, after "collected" insert "by the state"  
On page 7, line 39, after "collected" insert "by the state"

Representatives Fitzgibbon and Barkis spoke in favor of the adoption of the amendment.

Amendment (1420) was adopted.

Representative Caldier moved the adoption of amendment (1421):

On page 8, line 8, strike all of section 5.

Correct the title and renumber the remaining sections consecutively.

Representative Caldier spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Shavers presiding) divided the House. The result was 39 - YEAS; 51 - NAYS.

Amendment (1421) was not 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 Gregerson and Barkis spoke in favor of the passage of the bill.

Representative Caldier spoke against the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5802, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5802, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0

Voting Yea: Representatives Barkis, Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Ryu, Salahuddin, Santos, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Volz, Walen, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dufault, Dye, Engell, Eslick, Griffey, Jacobsen, Keaton, Klicker, Ley, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Penner, Richards, Rude, Rule, Schmick, Steele, Stokesbary, Stuebe, Timmons, Walsh, Waters and Ybarra

SECOND SUBSTITUTE SENATE BILL NO. 5802, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SUBSTITUTE SENATE BILL NO. 5444, Cortes, Chapman, Lovick, Nobles, Riccelli and Wilson, C. by Senate Committee on Transportation (originally sponsored by Cortes, Chapman, Lovick, Nobles, Riccelli and Wilson, C.)

#### Concerning special license plates and personalized license plates.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was not adopted. For Committee amendment, see Journal, Day 101, Wednesday, April 23, 2025.

Representative Fey moved the adoption of the striking amendment (1423):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.18.060 and 2017 3rd sp.s. c 25 s 40 are each amended to read as follows:

(1) The department must review and either approve or reject special license plate applications submitted by sponsoring organizations. Except for special license plates created under this act, the



department may not issue any new special license plates until January 1, 2029, and therefore no applications for any new special license plates may be accepted until January 1, 2029. The department must prominently display this special license plate moratorium on its website.

(2) Duties of the department include, but are not limited to, the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the joint transportation committee;

(b) Report annually to the joint transportation committee on the special license plate applications that were considered by the department;

(c) Issue approval and rejection notification letters to sponsoring organizations, the executive committee of the joint transportation committee, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application; and

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The department may submit a recommendation to discontinue a special plate series to the executive committee of the joint transportation committee.

**NEW SECTION. Sec. 2.** (1) The high cost of implementing a new special license plate series, coupled with the uncertainty of the state's ability to recoup its costs, has led the legislature to delay the implementation of new special license plates. In order to address these issues, it is the intent of the legislature to create a mechanism that will allow for the opportunity to review and evaluate the special license plate process, to ensure efficacy of the program, and to ensure this program does not result in undue costs to the state of Washington.

(2)(a) The department of licensing must convene a special license work group to conduct a comprehensive review of current provisions associated with special license plates.

(b) The membership of the work group will be determined by the department of licensing, but the interests represented must include internal and external entities involved in the approval, reporting, and issuance of special license plates.

(c) Each calendar year, the members of the joint transportation committee must be invited to attend at least one of the work group meetings.

(d) By December 1st of calendar years 2025 through 2026, the work group must provide a status update and give a presentation to the joint transportation committee.

(e) By November 15, 2027, the department of licensing must provide a preliminary final report and give a presentation to the joint transportation committee detailing its preliminary recommendations as specified in subsection (3) of this section.

(f) Based on the direction and input provided by the joint transportation committee, the department of licensing must then submit a final report with draft legislation to the transportation committees of the legislature by January 1, 2028.

(3) The special license work group must review, analyze, and make recommendations on the following issues:

(a) Developing more active review and oversight of special license plates by the joint transportation committee, including reviewing information submitted pursuant to RCW 46.18.060;

(b) Increasing the signature and other application requirements for creating special license plates;

(c) Removing the ability to create nonreviewed special license plates without meeting the signature and other application requirements;

(d) Modifying the current startup and other cost commitments to create a new special license plate;

(e) Making information more readily available to potential organizations sponsoring new special license plates of the average and likely net revenues raised by proposed special license plates before a sponsoring organization starts the application process;

(f) Improving the transparency and availability of financial and use of special license plate proceeds information provided by special license plate sponsoring organizations on an annual basis;

(g) Identifying metrics and methods by which the legislature and the department of licensing must use for the discontinuation of low performing special license plates; and

(h) Implementing other mechanisms to make the special license plate application, creation process, and use of funds more rigorous and accountable.

(4) This section expires January 15, 2028.

**Sec. 3.** RCW 44.04.300 and 2005 c 319 s 12 are each amended to read as follows:

(1) The joint transportation committee is created. The executive committee of the joint committee consists of the chairs and ranking members of the house and senate transportation committees. The chairs of the house and senate transportation committees shall serve as cochair of the joint committee. All members of the house and senate standing committees on transportation are eligible for membership of the joint committee and shall serve when appointed by the executive committee.

(2) The joint transportation committee shall review and research transportation programs and issues in order to educate and promote the dissemination of transportation research to state and local government policymakers, including legislators and associated staff. All four members of the executive committee shall approve the annual work plan. Membership of the committee may vary depending on the subject matter of oversight and research projects. The committee may also make recommendations for

functional or performance audits to the transportation performance audit board.

(3) The executive committee shall adopt rules and procedures for its operations.

(4) By December 20, 2028, and at least every two years thereafter, the joint transportation committee must hold a work session on the implementation of special license plate process improvements established as a result of this act and other relevant issues as it may determine.

**Sec. 4.** RCW 46.17.220 and 2022 c 239 s 1 and 2022 c 117 s 1 are each reenacted and amended to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(1) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
(2) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
(3) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
(4) Breast cancer awareness	\$ 40.00	\$ 30.00	RCW 46.68.425
(5) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
(6) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
(7) Donate life	\$ 40.00	\$ 30.00	RCW 46.68.420
(8) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
((+8+)) (9) Firefighter memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
(10) Fred Hutch	\$ 40.00	\$ 30.00	RCW 46.68.420
((+9+)) (11) Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
((+10+)) (12) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
((+11+)) (13) Historical throwback	\$ 40.00	\$ 30.00	RCW 46.68.420
(14) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
((+12+)) (15) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
((+13+)) (16) Keep Washington evergreen	\$ 40.00	\$ 30.00	RCW 46.68.425
(17) Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
((+14+)) (18) LeMay's America's Car Museum	\$ 40.00	\$ 30.00	RCW 46.68.420
(19) Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
((+15+)) (20) Mount St. Helens	\$ 40.00	\$ 30.00	RCW 46.68.420
(21) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420

((+16+)) (22) Nautical Northwest	\$ 40.00	\$ 30.00	RCW 46.68.420
(23) Patches or alternative name as designated by the department under RCW 46.04.383	\$ 40.00	\$ 30.00	RCW 46.68.420
((+17+)) (24) Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
((+18+)) (25) Purple Heart	\$ 40.00	\$ 30.00	RCW 46.68.425
((+19+)) (26) Ride share	\$ 25.00	N/A	RCW 46.68.030
((+20+)) (27) San Juan Islands	\$ 40.00	\$ 30.00	RCW 46.68.420
((+21+)) (28) Seattle Mariners	\$ 40.00	\$ 30.00	RCW 46.68.420
((+22+)) (29) Seattle NHL hockey	\$ 40.00	\$ 30.00	RCW 46.68.420
((+23+)) (30) Seattle Reign FC	\$ 40.00	\$ 30.00	RCW 46.68.420
(31) Seattle Seahawks	\$ 40.00	\$ 30.00	RCW 46.68.420
((+24+)) (32) Seattle Sounders FC	\$ 40.00	\$ 30.00	RCW 46.68.420
((+25+)) (33) Seattle Storm	\$ 40.00	\$ 30.00	RCW 46.68.420
((+26+)) (34) Seattle University	\$ 40.00	\$ 30.00	RCW 46.68.420
((+27+)) (35) Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
((+28+)) (36) Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
((+29+)) (37) Smokey Bear	\$ 40.00	\$ 30.00	RCW 46.68.425
(38) Square dancer	\$ 40.00	N/A	RCW 46.68.070
((+30+)) (39) State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
(40) State sport	\$ 40.00	\$ 30.00	RCW 46.68.420
((+31+)) (41) United States Naval Academy	\$ 40.00	\$ 30.00	RCW 46.68.425
(42) Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
((+32+)) (43) Washington apples	\$ 40.00	\$ 30.00	RCW 46.68.420
((+33+)) (44) Washington farmers and ranchers	\$ 40.00	\$ 30.00	RCW 46.68.420
((+34+)) (45) Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
((+35+)) (46) Washington state aviation	\$ 40.00	\$ 30.00	RCW 46.68.420
((+36+)) (47) Washington state honey bees and pollinators	\$ 40.00	\$ 30.00	RCW 46.68.420
(48) Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425

<del>((37))</del> (49)	\$ 40.00 \$ 30.00	RCW 46.68.420
Washington state wrestling		
<del>((38))</del> (50)	\$ 40.00 \$ 30.00	RCW 46.68.420
Washington tennis		
<del>((39))</del> (51)	\$ 40.00 \$ 30.00	RCW 46.68.420
Washington wine		
<del>((40))</del> (52)	\$ 40.00 \$ 30.00	RCW 46.68.425
Washington's fish collection		
<del>((41))</del> (53)	\$ 40.00 \$ 30.00	RCW 46.68.420
Washington's national parks		
<del>((42))</del> (54)	\$ 40.00 \$ 30.00	RCW 46.68.425
Washington's wildlife collection		
<del>((43))</del> (55)	We\$ 40.00 \$ 30.00	RCW 46.68.420
love our pets		
<del>((44))</del> (56)	Wild\$ 40.00 \$ 30.00	RCW 46.68.425
on Washington		
(57)	Working\$ 40.00 \$ 30.00	RCW 46.68.420
forests		

**Sec. 5.** RCW 46.18.200 and 2022 c 239 s 2 and 2022 c 117 s 2 are each reenacted and amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates, subject to subsections (5) and (6) of this section:

LICENSE PLATE	DESCRIPTION, OR ARTWORK	SYMBOL,
4-H	Displays the "4-H" logo.	
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.	
Breast cancer awareness	Displays a pink ribbon symbolizing breast cancer awareness.	
<u>Donate life</u>	<u>Displays the donate life logo.</u>	
Endangered wildlife	Displays a symbol or artwork symbolizing endangered wildlife in Washington state.	

<u>Firefighter memorial</u>	<u>Displays a Maltese cross with the words "never forget."</u>
Fred Hutch	Displays the Fred Hutch logo.
Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.
Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.
<u>Historical throwback</u>	<u>Displays white lettering on a black background in a style similar to historical license plates issued in the early 20th century.</u>
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.
<u>Keep Washington evergreen</u>	<u>Recognizes Washington as the evergreen state and funds electric charging stations. Displays green lettering on a white background in a style similar to the license plates issued by the department in the 1970s, but includes the words evergreen state along the bottom of the plate.</u>
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.
<u>LeMay-America's Car Museum</u>	<u>Displays the LeMay-America's car museum logo, name, or related image.</u>
<u>Mount St. Helens</u>	<u>Displays an image of Mount St. Helens.</u>
Music matters	Displays the "Music Matters" logo.
<u>Nautical Northwest</u>	<u>Displays a Northwest maritime scene.</u>
Patches pal, or alternative name as designated by the department under RCW 46.04.383	Displays the likenesses of the J.P. Patches and Gertrude characters from the J.P. Patches show, or characters otherwise identified in accordance with RCW 46.04.383.
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.
San Juan Islands	Displays a symbol or artwork recognizing the San Juan Islands.
Seattle Mariners	Displays the "Seattle Mariners" logo.
Seattle NHL hockey	Displays the logo of the Seattle NHL hockey team.

<u>Seattle Reign FC</u>	<u>Displays the "Seattle Reign FC" logo.</u>	Washington tennis	Builds awareness and year-round opportunities for tennis in Washington state. Displays a symbol or artwork recognizing tennis in Washington state.
Seattle Seahawks	Displays the "Seattle Seahawks" logo.		
Seattle Sounders FC	Displays the "Seattle Sounders FC" logo.		
Seattle Storm	Displays the "Seattle Storm" logo.	Washington wine	Displays a landscape of Washington's wine regions.
Seattle University	Recognizes Seattle University.		
Share the road	Recognizes an organization that promotes bicycle safety and awareness education.	Washington's fish collection	Recognizes Washington's fish.
Ski & ride Washington	Recognizes the Washington snowsports industry.	Washington's national park fund	Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.
<u>Smokey Bear</u>	<u>Displays the name, image, and likeness of Smokey Bear and messages for wildfire prevention.</u>	Washington's wildlife collection	Recognizes Washington's wildlife.
State flower	Recognizes the Washington state flower.	We love our pets	Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.
<u>State sport</u>	<u>Recognizes the Washington state sport of pickleball.</u>	Wild on Washington	Symbolizes wildlife viewing in Washington state.
<u>United States Naval Academy</u>	<u>Displays a design related to the United States Naval Academy.</u>	<u>Working forests</u>	<u>Displays an image embodying working forests.</u>
Volunteer firefighters	Recognizes volunteer firefighters.		
Washington apples	Displays the Washington apple logo that recognizes the state's apple industry, the growers and shippers who produce and pack the world famous apples, and the tree fruit community.		
Washington farmers and ranchers	Recognizes farmers and ranchers in Washington state.		
Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.		
Washington state aviation	Displays a Stearman biplane in the foreground with an image of Mount Rainier in the background.		
<u>Washington state honey bees and pollinators</u>	<u>Displays honey bees and pollinators.</u>		
Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.		
Washington state wrestling	Promotes and supports college wrestling in the state of Washington.		

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof of eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ~~((ten))~~ 10 years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ~~((ten))~~ 10 years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ~~((ten))~~ 10 years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum of two

sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

(5) The department shall not issue the Seattle NHL hockey special license plate until the department receives signature sheets satisfying the requirements identified in RCW 46.18.110(2)(f).

(6) Except for special license plates created under this act and as specified in this subsection, the department may not issue any new special license plates until January 1, 2029.

(a) Beginning November 1, 2025, the department must begin the phased issuance of any of the special license plates created under this act for which the department has received signature sheets that satisfy the requirements identified in RCW 46.18.110(2)(f) before March 1, 2025, the keep Washington evergreen special license plate, and the historical throwback special license plate.

(b) The department must then begin the phased issuance of any of the special license plates created under this act for which the department has received signature sheets after March 1, 2025, that satisfy the requirements identified in RCW 46.18.110(2)(f), with the order of implementation occurring based on the 3,500 signature submission date and the department's ability to implement additional special license plates.

**Sec. 6.** RCW 46.68.420 and 2022 c 239 s 3, 2022 c 117 s 3, and 2022 c 96 s 4 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed ~~((twelve dollars))\$12~~ for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle fund until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account as created in this section in the custody of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
4-H programs	Support Washington 4-H programs
<u>Donate life</u>	<u>Provides funds to life center Northwest to build awareness for organ donation and encourage a positive, inclusive sentiment</u>

#### Firefighter memorial

Fred Hutch

Gonzaga University alumni association

Helping kids speak

#### Historical throwback

Law enforcement memorial

LeMay-America's Car Museum

#### around organ donation registration

Provides funds first to the fallen firefighter memorial account for construction and maintenance of the firefighter memorial on the capitol campus with any amounts in excess of what is needed for the firefighter memorial to be provided to the Washington state council of firefighters memorial account

Support cancer research at the Fred Hutchinson cancer research center

Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University

Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development

Provide funds for expanding and improving driver's education programs and activities

Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers

Provide funds to promote, encourage, and inspire students and the community to understand the role of automobiles in our culture and economy through education, interpretive programs, and job training; to open doors to learning through science, technology, engineering, the arts, and math (STEAM); and to inspire a new generation of skilled trade workers, engineers, designers, artists, and enthusiasts

Lighthouse environmental programs	Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents	other opportunities; (b) <del>((twenty-five))</del> 25 percent to the Washington state leadership board solely to administer the boundless Washington program to facilitate opportunities for young people with physical and sensory disabilities to enjoy and experience the outdoors; and (c) <del>((twenty-five))</del> 25 percent to the NHL Seattle foundation, or its successor organization, for providing financial support to allow youth to participate in hockey
<u>Mount St. Helens</u>	<u>Promote education, stewardship, and science at Mount St. Helens through the Mount St. Helens institute</u>	
Music matters awareness	Promote music education in schools throughout Washington	<u>Seattle Reign FC</u>
<u>Nautical Northwest</u>	<u>Support historic resources of Whidbey Island's maritime communities</u>	<u>Seattle Seahawks</u>
Patches pal, or alternative name as designated by the department under RCW 46.04.383	Provide funds to the Seattle children's hospital strong against cancer program	<u>Provide funds to the RAVE foundation to inspire youth in underserved communities using soccer as a vehicle</u>
San Juan Islands programs	Provide funds to the Madrona institute	<u>Provide funds to ((InvestED and to support the Washington world fellows program in the following manner: (a) Seventy-five percent, to InvestED, to encourage secondary students who have economic needs to stay in school, return to school, or get involved within their learning community; and (b) twenty-five percent to the Washington state leadership board solely to administer the Washington world fellows program, including the provision of fellowships)) the Seattle Seahawks charitable foundation and to support the Washington state leadership board in the following manner: (a) Seventy-five percent to the Seattle Seahawks charitable foundation; and (b) 25 percent to the Washington state leadership board</u>
Seattle Mariners	Provide funds to the <del>((sports mentoring program and to support the Washington world fellows program in the following manner: (a) Seventy-five percent to the Washington state leadership board solely to administer the sports mentoring program established under RCW 43.388.040, to encourage youth who have economic needs or face adversities to experience spectator sports or get involved in youth sports, and (b) up to twenty-five percent to the Washington state leadership board solely to administer the Washington world fellows program, an equity focused program))</del> <u>Mariners care foundation, or its successor organization</u>	
Seattle NHL hockey	Provide funds to the NHL Seattle foundation and to support the boundless Washington program in the following manner: (a) <del>((Fifty))</del> 50 percent to the NHL Seattle foundation, or its successor organization, to help marginalized youth succeed in life through increased access to sports and	

Seattle Sounders FC

Provide funds to  
 ((Washington state  
 mentors and the  
 Washington state  
 leadership board in the  
 following manner: (a)  
 Seventy percent and the  
 remaining proceeds, if  
 any, to Washington  
 state mentors, to  
 increase the number of  
 mentors in the state by  
 offering mentoring  
 grants throughout  
 Washington state that  
 foster positive youth  
 development and  
 academic success, with  
 up to twenty percent of  
 these proceeds  
 authorized for program  
 administration costs;  
 and (b) up to thirty  
 percent, not to exceed  
 forty thousand dollars  
 annually as adjusted  
 for inflation by the  
 office of financial  
 management, to the  
 Washington state  
 leadership board, to  
 develop Washington  
 state educational,  
 veterans, international  
 relations, and civics  
 projects and to  
 recognize the  
 outstanding public  
 service of individuals  
 or groups in the state  
 of Washington)) the RAVE  
 foundation and to  
 support the Washington  
 state leadership board  
 in the following  
 manner: (a) 75 percent  
 to the RAVE foundation;  
 and (b) 25 percent to  
 the Washington state  
 leadership board

Seattle Storm

Provide funds to the  
 Washington state  
 legislative youth  
 advisory council and  
 the Washington state  
 leadership board in the  
 following manner:  
 ((Twenty-five thousand  
 dollars)) \$25,000 per  
 year of the net  
 proceeds to the  
 legislative youth  
 advisory council, or  
 its successor  
 organization; and the  
 remaining net proceeds  
 on an annual basis, to  
 the Washington state  
 leadership board for  
 the purpose of  
 providing grants to  
 support and enhance  
 athletic, recreational,  
 and other opportunities  
 for women and girls,  
 and especially those  
 with disabilities

Seattle University

Fund scholarships for  
 students attending or  
 planning to attend  
 Seattle University

Share the road

Promote bicycle safety  
 and awareness education

Ski &amp; ride Washington

in communities  
 throughout Washington

Promote winter  
 snowsports, such as  
 skiing and  
 snowboarding, and  
 related programs, such  
 as ski and ride safety  
 programs,  
 underprivileged youth  
 ski and ride programs,  
 and active, healthy  
 lifestyle programs

State flower

Support Meerkerk  
 Rhododendron Gardens  
 and provide for grants  
 to other qualified  
 nonprofit  
 organizations' efforts  
 to preserve  
 rhododendrons

State sport

Provide funds to be  
 placed in a trust  
 account managed by the  
 Seattle metro  
 pickleball association  
 to be used exclusively  
 for the construction  
 and maintenance of  
 dedicated pickleball  
 courts

Volunteer firefighters

Receive and disseminate  
 funds for purposes on  
 behalf of volunteer  
 firefighters, their  
 families, and others  
 deemed in need

Washington apples

Provide scholarship  
 funding to the tree  
 fruit industry's  
 official charity, the  
 Washington apple  
 education foundation,  
 which provides  
 financial support,  
 professional employment  
 preparedness training,  
 and mentorship to  
 students with ties to  
 the apple industry  
 pursuing a higher  
 education

Washington farmers and  
ranchers

Provide funds to the  
 Washington FFA  
 Foundation for  
 educational programs in  
 Washington state

Washington state  
aviation

Provide funds to the  
 department of  
 transportation to  
 support infrastructure  
 improvements at public  
 use airports in  
 Washington state

Washington state  
council of  
firefighters  
benevolent fund

Receive and disseminate  
 funds for charitable  
 purposes on behalf of  
 members of the  
 Washington state  
 council of  
 firefighters, their  
 families, and others  
 deemed in need

Washington state honey bees and pollinators Provide funds to the Washington state beekeepers association to support research and educational activities and materials about honey bees and pollinators within Washington state

Washington state wrestling Provide funds to the Washington state wrestling foundation to fund new and existing college wrestling programs

Washington tennis Provide funds to cities to assist in the construction and maintenance of a public tennis facility with at least four indoor tennis courts. A city is eligible for construction funds if the city does not already have a public or private facility with at least four indoor tennis courts. Funds for construction must first be made available to the most populous eligible city, according to the most recent census, for a time period not to exceed five years after January 1, 2017. After the five-year time period, the funds for construction must be made available to the next most populous eligible city. Funds for the maintenance of a public tennis facility with at least four indoor tennis courts must first be made available to the first eligible city that utilizes funds for construction provided by chapter 16, Laws of 2016

Washington wine Provide funds to the state of Washington tourism to promote tourism throughout Washington state

Washington's national park fund Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks

We love our pets Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets

in order to reduce pet population

Working forests Provide funds to the Washington tree farm program to support small forest landowners to sustainably manage over 400,000 acres of private forestland

(3) Except as otherwise provided in this section, only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Except as otherwise provided in this section, funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) Funds from the Seattle Seahawks account may be provided to the Washington state leadership board solely for the purpose of administering the Washington world fellows program. Of the amounts received by the Washington state leadership board under this subsection, at least ~~((ninety))~~ 90 percent must be provided as fellowships under the program.

(6) Beginning January 1, 2019, funds from the Seattle Mariners account may be provided to the Washington state leadership board solely for the purpose of administering the sports mentoring program. Of the amounts received by the Washington state leadership board, at least ~~((ninety))~~ 90 percent must be applied towards services directly provided to youth participants.

(7) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.18.100(1).

**Sec. 7.** RCW 46.68.425 and 2016 c 31 s 3 and 2016 c 30 s 4 are each reenacted and amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed ~~((twelve dollars))~~ \$12 for initial issue and ~~((two dollars))~~ \$2 for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle fund until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the



state has been reimbursed, the state treasurer shall credit the remaining special license plate fees to the following accounts by special license plate type:

SPECIAL LICENSE TYPE	ACCOUNT	CONDITIONS FOR USE OF FUNDS	SPECIAL LICENSE TYPE	PLATE	ACCOUNT	CONDITIONS FOR USE OF FUNDS
Armed forces	RCW 43.60A.140	As specified in RCW 43.60A.140 (4)				to, activities supporting conservation, recovery, and research to promote healthy, fishable steelhead
Breast cancer awareness	RCW 43.70.327	Must be used only by the department of health for efforts consistent with the breast, cervical, and colon health program	Washington's wildlife collection		RCW 77.12.170	Only for the department of fish and wildlife's game species management activities
Endangered wildlife	RCW 77.12.170	Must be used only for the department of fish and wildlife's endangered wildlife program activities	Wild Washington	on	RCW 77.12.170	Dedicated to the department of fish and wildlife's watchable wildlife activities, as defined in RCW 77.32.560
<u>Historical throwback</u>	<u>RCW 46.68.060</u>	<u>Provides funds for expanding and improving driver's education programs and activities</u>	<b>Sec. 8.</b> RCW 43.60A.140 and 2023 c 327 s 2 are each amended to read as follows:			
Keep kids safe	RCW 43.121.100	As specified in RCW 43.121.100	(1) The veterans stewardship account is created in the custody of the state treasurer. Disbursements of funds must be on the authorization of the director or the director's designee, and only for the purposes stated in subsection (4) of this section. In order to maintain an effective expenditure and revenue control, funds are subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditure of the funds.			
<u>Keep Washington evergreen</u>	<u>RCW 82.44.200</u>	<u>Support of electric charging stations throughout Washington</u>	(2) The department may request and accept nondedicated contributions, grants, or gifts in cash or otherwise, including funds generated by the issuance of the armed forces license plate collection and the United States Naval Academy license plate under chapter 46.18 RCW.			
Purple Heart	RCW 43.60A.140	As specified in RCW 43.60A.140 (4)	(3) All receipts from the sale of armed forces license plates, United States Naval Academy license plates, and Purple Heart license plates as required under RCW 46.68.425(2) must be deposited into the veterans stewardship account.			
<u>Smokey Bear wildfire prevention</u>	<u>RCW 76.04.511</u>	<u>Only for the department of natural resources to use for wildfire prevention programs</u>	(4) All moneys deposited into the veterans stewardship account must be used by the department for activities that benefit veterans or their families, including but not limited to, providing programs and services for homeless veterans; establishing memorials honoring veterans; and maintaining state veterans' cemeteries. Funds from the account may not be used to supplant existing funds received by the department.			
<u>United States Naval Academy</u>	<u>RCW 43.60A.140</u>	<u>As specified in RCW 43.60A.140 (4)</u>	<b>NEW SECTION. Sec. 9.</b> A new section is added to chapter 46.04 RCW to read as follows:			
Washington state parks	RCW 79A.05.059	Provide public educational opportunities and enhancement of Washington state parks	"Keep Washington evergreen license plate" means special license plates issued under RCW 46.18.200 that display green lettering on a white background in a style similar to the license plates issued by the department in the 1970s.			
Washington's fish collection	RCW 77.12.170	Only for the department of fish and wildlife's use to support steelhead species management activities including, but not limited				

**NEW SECTION. Sec. 10.** A new section is added to chapter 46.18 RCW to read as follows:

(1) The department shall create, design, and issue a keep Washington evergreen license plate that may be used in lieu of standard issue or personalized license plates for motor vehicles required to display one or two license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

(2) A registered owner may apply to the department, county auditor or other agent, or subagent appointed by the director for a keep Washington evergreen license plate. The registered owner shall pay the special license plate fee required under RCW 46.17.220(16), in addition to any other fee or tax required by law.

**NEW SECTION. Sec. 11.** A new section is added to chapter 46.04 RCW to read as follows:

"LeMay-America's Car Museum license plates" means special license plates issued under RCW 46.18.200 that display the LeMay-America's car museum logo, name, or related image.

**NEW SECTION. Sec. 12.** A new section is added to chapter 46.04 RCW to read as follows:

"Mount St. Helens license plates" means special license plates issued under RCW 46.18.200 that display an image of Mount St. Helens.

**NEW SECTION. Sec. 13.** A new section is added to chapter 46.04 RCW to read as follows:

"Nautical Northwest license plates" means special license plates issued under RCW 46.18.200 that display a Northwest maritime scene.

**NEW SECTION. Sec. 14.** A new section is added to chapter 46.04 RCW to read as follows:

"Smokey Bear license plates" means special license plates issued under RCW 46.18.200 that display the name, image, and likeness of Smokey Bear promoting wildfire prevention and the state department of natural resources' wildland wildfire program.

**NEW SECTION. Sec. 15.** A new section is added to chapter 46.04 RCW to read as follows:

"Working forests license plates" means special license plates issued under RCW 46.18.200 that display images embodying working forests.

**NEW SECTION. Sec. 16.** A new section is added to chapter 46.04 RCW to read as follows:

"State sport license plates" means special license plates issued under RCW 46.18.200 that recognize the state sport of pickleball.

**NEW SECTION. Sec. 17.** A new section is added to chapter 46.04 RCW to read as follows:

"Seattle Reign FC license plates" means special license plates issued under RCW 46.18.200 that display the logo of the Seattle Reign FC.

**NEW SECTION. Sec. 18.** A new section is added to chapter 46.04 RCW to read as follows:

"Washington honey bees and pollinators license plates" means special license plates issued under RCW 46.18.200 that display images of honey bees and pollinators.

**NEW SECTION. Sec. 19.** A new section is added to chapter 46.04 RCW to read as follows:

"Firefighter memorial license plates" means special license plates issued under RCW 46.18.200 that display the Maltese cross with the words "never forget."

**NEW SECTION. Sec. 20.** A new section is added to chapter 46.04 RCW to read as follows:

"Donate life license plates" means special license plates issued under RCW 46.18.200 that displays the donate life logo.

**NEW SECTION. Sec. 21.** A new section is added to chapter 46.04 RCW to read as follows:

"United States Naval Academy license plates" means special license plates issued under RCW 46.18.200 that display a design related to the United States Naval Academy.

**NEW SECTION. Sec. 22.** A new section is added to chapter 46.04 RCW to read as follows:

"Historical throwback license plates" means special license plates issued under RCW 46.18.200 that display white lettering on a black background in a style similar to historical license plates issued in the early 20th century.

**Sec. 23.** RCW 46.17.210 and 2013 c 329 s 6 are each amended to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration under chapter 46.16A RCW, the holder of a personalized license plate shall pay an initial fee of ~~((fifty-two dollars))~~ \$52 and ~~((forty-two dollars))~~ \$52 for each renewal. The personalized license plate fee must be distributed as provided in RCW 46.68.435.

**NEW SECTION. Sec. 24.** RCW 43.388.040 (Sports mentoring program) and 2022 c 96 s 7 & 2018 c 67 s 3 are each repealed.

**NEW SECTION. Sec. 25.** Sections 3 through 24 of this act take effect November 1, 2025.

Correct the title.

NEW SECTION. **Sec. 26.** This act is known as Bill's bill act."

Representatives Fey and Orcutt spoke in favor of the adoption of the striking amendment.

The striking amendment (1423) was adopted.

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

Representatives Fey, Orcutt, Couture and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5444, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5444, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Abell, Barkis, Barnard, Berg, Bergquist, Bernbaum, Berry, Bronoske, Burnett, Caldier, Callan, Chase, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dufault, Dye, Engell, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hill, Hunt, Jacobsen, Keaton, Klicker, Kloba, Leavitt, Lekanoff, Ley, Low, Macri, Manjarrez, Marshall, McClintock, Mena, Mendoza, Morgan, Nance, Obras, Orcutt, Ormsby, Ortiz-Self, Parshley, Paul, Penner, Peterson, Pollet, Ramel, Reed, Reeves, Richards, Rude, Rule, Ryu, Salahuddin, Santos, Schmick, Schmidt, Scott, Shavers, Simmons, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Stuebe, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Waters, Wylie, Ybarra, Zahn and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

SUBSTITUTE SENATE BILL NO. 5444, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1296  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1440  
HOUSE BILL NO. 1633  
SUBSTITUTE HOUSE BILL NO. 1733  
SUBSTITUTE HOUSE BILL NO. 1774  
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SUBSTITUTE SENATE BILL NO. 5556  
SUBSTITUTE SENATE BILL NO. 5568  
SUBSTITUTE SENATE BILL NO. 5583  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5627  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5628

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5651  
SENATE BILL NO. 5680  
SUBSTITUTE SENATE BILL NO. 5691  
ENGROSSED SENATE BILL NO. 5721

The Speaker called upon Representative Shavers to preside.

### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5801, Liias, King and Chapmanby Senate Committee on Transportation (originally sponsored by Liias, King and Chapman)**

#### Concerning transportation resources.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was before the House for purpose of amendment. For Committee amendment, see Journal, Day 101, Wednesday, April 23, 2025.

Representative Fey moved the adoption of amendment (1433) to the committee striking amendment:

On page 15, after line 27 of the striking amendment, insert the following:

"**Sec. 106.** RCW 46.17.365 and 2025 c . . . s 105 (section 105 of this act) are each amended to read as follows:

(1) A person applying for a motor vehicle registration and paying the vehicle license fee required in RCW 46.17.350(1) (a), (d), (e), (h), (j), (n), and (o) shall pay a motor vehicle weight fee in addition to all other fees and taxes required by law.

For vehicle registrations that are due or become due on or after ((January 1, 2026)) January 1, 2029, the motor vehicle weight fee:

(a) Must be based on the motor vehicle scale weight as follows:

WEIGHT	FEE
4,000 pounds	\$ 35.00
6,000 pounds	(( <del>\$ 65.00</del> )) <u>\$75.00</u>
8,000 pounds	(( <del>\$ 82.50</del> )) <u>\$90.00</u>
16,000 pounds and over	(( <del>\$ 96.00</del> )) <u>\$110.00</u> ;

(b) If the resultant motor vehicle scale weight is not listed in the table provided in (a) of this subsection, must be increased to the next highest weight; and

(c) Must be distributed under RCW 46.68.415.

(2) A person applying for a motor home vehicle registration shall, in lieu of the motor vehicle weight fee required in subsection (1) of this section, pay a motor home vehicle weight fee of \$75 in addition to all other fees and taxes required by law. The motor home vehicle weight fee must be distributed under RCW 46.68.415.

(3) The department shall:

(a) Rely on motor vehicle empty scale weights provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each motor vehicle; and

(b) Adopt rules for determining weight for vehicles without manufacturer empty scale weights."

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

On page 18, line 22 of the striking amendment, after "Beginning" strike "April 1, 2026" and insert "January 1, 2027"

On page 19, line 3 of the striking amendment, after "Beginning" strike "April 1, 2026" and insert "July 1, 2026"

On page 22, line 6 of the striking amendment, after "Beginning" strike "April 1, 2026" and insert "July 1, 2026"

On page 30, beginning on line 13 of the striking amendment, strike all of sections 304 through 308

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

On page 54, line 9 of the striking amendment, after "(5)" insert "The department may initiate ramp and segment tolling under this section only after the completion of level three traffic and revenue and environmental analyses of applicable tolling scenarios on the SR 520 corridor, as funded in the omnibus transportation appropriations act for the 2025-2027 fiscal biennium. The analyses must consider impacts of the ramp and segment tolling on access and mobility for the residents of the neighborhoods that are most closely served by the connections to the corridor."

(6)"

On page 153, line 6 of the striking amendment, after "Sections" strike "310 through 312" and insert "305 through 307"

On page 153, line 8 of the striking amendment, after "through" strike "109" and insert "105, 107 through 110"

On page 153, beginning on line 17 of the striking amendment, after "211" strike all material through "308" on line 18

On page 153, line 19 of the striking amendment, after "Sections" strike "309" and insert "304"

On page 153, after line 26 of the striking amendment, insert the following: "NEW SECTION. Sec. 1413. Section 106 of this act takes effect January 1, 2029.

NEW SECTION. Sec. 1414. Section 105 of this act expires January 1, 2029.

NEW SECTION. Sec. 1415. Section 106 of this act applies to vehicle registrations that are due or become due on or after January 1, 2029."

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

On page 153, line 27 of the striking amendment, after "through" strike "109" and insert "105 and 107 through 110"

Representatives Fey and Barkis spoke in favor of the adoption of the amendment to the committee striking amendment.

Amendment (1433) to the committee striking amendment was adopted.

Representative Caldier moved the adoption of amendment (1425) to the committee striking amendment:

On page 18, beginning on line 13 of the striking amendment, after "to" strike all material through "of" on line 19 and insert "five and nine-tenths percent of the selling price. The revenue collected under"

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

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

Amendment (1425) to the committee striking amendment was not adopted.

Representative Fey moved the adoption of amendment (1432) to the committee striking amendment:

On page 18, beginning on line 27, strike all material through "permit" on line 28 and insert "vehicle as a vehicle for resale using a reseller permit or an approved exemption certificate under RCW 82.04.470"

On page 27, beginning on line 22, after "82.48.010" strike all material through "under" on line 24 and insert ", but does not include:

- (a) Aircraft exempt from taxes under RCW 82.48.100; and
- (b) "Commercial airplane" as defined in"

On page 27, line 35, after "section" strike "307" and insert "207"

Beginning on page 38, line 28, strike all of section 311 and insert the following:

**"Sec. 311.** RCW 46.20.181 and 2025 c . . . (ESHB 1878) s 5 are each amended to read as follows:

(1) Except as provided in subsection (4) or (5) of this section or section 2(10), chapter . . . (ESHB 1878), Laws of 2025, every driver's license expires on the eighth anniversary of the licensee's birthdate following the issuance of the license.

(2) A person may renew a license on or before the expiration date by submitting an application as prescribed by the department and paying a fee ((~~of~~ \$72)) as specified in subsection (6) of this section for an eight year license. This fee includes the fee for the required photograph.

(3) A person renewing a driver's license more than 60 days after the license has expired shall pay a penalty fee of \$10 in

addition to the renewal fee, unless the license expired when:

(a) The person was outside the state and the licensee renews the license within 60 days after returning to this state; or

(b) The person was incapacitated and the licensee renews the license within 60 days after the termination of the incapacity.

(4) The department may issue or renew a driver's license for a period other than eight years, or may extend by mail or electronic commerce a license that has already been issued. The fee for a driver's license issued or renewed for a period other than eight years, or that has been extended by mail or electronic commerce, is ~~((nine dollars for each year that the license is issued, renewed, or extended))~~ specified in subsection (6) of this section. The department must offer the option to issue or renew a driver's license for six years in addition to the eight year issuance. The department may adopt any rules as are necessary to carry out this subsection.

(5) A driver's license that includes a hazardous materials endorsement under chapter 46.25 RCW may expire on an anniversary of the licensee's birthdate other than the eighth year following issuance or renewal of the license in order to match, as nearly as possible, the validity of certification from the federal transportation security administration that the licensee has been determined not to pose a security risk. The fee for a driver's license issued or renewed ~~((for a period other than eight years is \$9 for each year that the license is issued or renewed))~~ is specified in subsection (6) of this section, not including any endorsement fees. The department may adjust the expiration date of a driver's license that has previously been issued to conform to the provisions of this subsection if a hazardous materials endorsement is added to the license subsequent to its issuance. If the validity of the driver's license is extended, the licensee must pay a fee ~~((of \$9))~~ as specified in subsection (6) of this section for each year that the license is extended.

(6)(a) The driver's license fee shall be \$10 for each year that the license is issued, renewed, or extended.

(b) Beginning July 1, 2028, and on July 1st every three years thereafter, the fee under (a) of this subsection must be increased by \$1 for each year that the license is issued, renewed, or extended.

(7) The department may adopt any rules as are necessary to carry out this section."

On page 90, line 25, strike "Trails and Paths"

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

Amendment (1432) to the committee striking amendment was adopted.

Representative Walsh moved the adoption of amendment (1426) to the committee striking amendment:

On page 18, beginning on line 36 of the striking amendment, after "(3)" strike all material through "five-tenths" on line 37

and insert "Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths"

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

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

Amendment (1426) to the committee striking amendment was not adopted.

Representative Fey moved the adoption of amendment (1431) to the committee striking amendment:

On page 152, after line 32, insert the following:

"**Sec. 1311.** RCW 84.55.010 and 2021 c 207 s 10 are each amended to read as follows:

(1) Except as provided in this chapter, the levy for a taxing district in any year must be set so that the regular property taxes payable in the following year do not exceed the limit factor multiplied by the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district, excluding any increase due to (e) of this subsection, unless the highest levy was the statutory maximum rate amount, plus an additional dollar amount calculated by multiplying the regular property tax levy rate of that district for the preceding year by the increase in assessed value in that district resulting from:

(a) New construction;

(b) 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;

(c) Improvements to property;

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

(e) Any increase in the assessed value of real property, as that term is defined in RCW 39.114.010, within an increment area as designated by any local government in RCW 39.114.020 provided that such increase is not included elsewhere under this section. This subsection (1)(e) 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. For the purposes of this subsection (1)(e), "increment area" does not include increment areas that are not approved by the taxing district's governing body for participation in the tax increment project pursuant to RCW 39.114.020(1)(c)(ii)(D).

(2) The requirements of this section do not apply to:

(a) State property taxes levied under RCW 84.52.065(1) for collection in calendar years 2019 through 2021; and

(b) State property taxes levied under RCW 84.52.065(2) for collection in calendar years 2018 through 2021.

**Sec. 1312.** RCW 84.55.020 and 2023 c 354 s 5 and 2023 c 28 s 9 are each reenacted and 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 each component taxing district could have levied under RCW 84.55.092 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;
- (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 (5) 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. For the purposes of this subsection (5), "increment area" does not include increment areas that are not approved by the taxing district's governing body for participation in the tax increment project pursuant to RCW 39.114.020(1)(c)(ii)(D).

**Sec. 1313.** RCW 84.55.030 and 2023 c 354 s 6 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;
- (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. For the purposes of this subsection (5), "increment area" does not include increment areas that are not approved by the taxing district's governing body for participation in the tax increment project pursuant to RCW 39.114.020(1)(c)(ii)(D).

**Sec. 1314.** RCW 84.55.120 and 2021 c 207 s 11 are each amended to read as follows:

(1) A taxing district, other than the state, that collects regular levies must hold a public hearing on revenue sources for the district's following year's current expense budget. The hearing must include consideration of possible increases in property tax revenues and must be held prior to the time the taxing district levies the taxes or makes the request to have the taxes levied. The county legislative authority, or the taxing district's governing body if the district is a city, town, or other type of district, must hold the hearing. For purposes of this section, "current expense budget" means that budget which is primarily funded by taxes and charges and reflects the provision of ongoing services. It does not mean the capital, enterprise, or special assessment budgets of cities, towns, counties, or special purpose districts.

(2) If the taxing district is otherwise required to hold a public hearing on its proposed regular tax levy, a single public hearing may be held on this matter.

(3)(a) Except as provided in (b) of this subsection (3), no increase in property tax revenue may be authorized by a taxing district, other than the state, except by adoption of a separate ordinance or resolution, pursuant to notice, specifically authorizing the increase in terms of both dollars and percentage. The ordinance or resolution may cover a period of up to two years, but the ordinance must specifically state for each year the dollar increase and percentage change in the levy from the previous year.

(b) Exempt from the requirements of (a) of this subsection are increases in revenue resulting from the addition of:

- (i) New construction;
- (ii) 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;

(iii) Improvements to property;

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

(v) Any increase in the assessed value of real property, as that term is defined in RCW 39.114.010, within an increment area as designated by any local government in RCW 39.114.020 provided that such increase is not included elsewhere under this section. This subsection (3)(b)(v) 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. For the purposes of this subsection (3)(b)(v), "increment area" does not include increment areas that are not approved by the taxing district's governing body for participation in the tax increment project pursuant to RCW 39.114.020(1)(c)(ii)(D)."

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

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

Amendment (1431) to the committee striking amendment was adopted.

Representative Manjarrez moved the adoption of amendment (1427) to the committee striking amendment:

On page 2, beginning on line 13 of the striking amendment, strike all of subsection (9)

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

On page 2, beginning on line 21 of the striking amendment, after "(12)" strike all material through "(b)" on line 25

On page 4, beginning on line 12 of the striking amendment, after "cent." strike all material through "cents." on line 13

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

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

Amendment (1427) to the committee striking amendment was not adopted.

Representative Mendoza moved the adoption of amendment (1428) to the committee striking amendment:

On page 2, beginning on line 15 of the striking amendment, strike all of subsections (10) and (11)

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

On page 2, line 21 of the striking amendment, after "(12)" strike "(a)"

On page 2, beginning on line 25 of the striking amendment, strike all of subsection (b)

On page 4, at the beginning of line 10 of the striking amendment, strike "cumulative fuel tax rate per gallon of special fuel" and insert "fuel tax rate per gallon"

Representatives Mendoza, Barkis, Jacobsen, Abbarno, Dye and Orcutt spoke in favor of the adoption of the amendment to the committee striking amendment.

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

Division was demanded and the demand was sustained. The Speaker (Representative Shavers presiding) divided the House. The result was 42 - YEAS; 49 - NAYS.

Amendment (1428) to the committee striking amendment was not adopted.

Representative Corry moved the adoption of amendment (1429) to the committee striking amendment:

On page 28, beginning on line 24 of the striking amendment, strike all of sections 301 through 303

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

On page 153, line 9 of the striking amendment, after "206," strike "301 through 303, 604" and insert "604,"

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

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

Amendment (1429) to the committee striking amendment was not adopted.

Representative Jacobsen moved the adoption of amendment (1430) to the committee striking amendment:

On page 36, beginning on line 23 of the striking amendment, strike all of sections 310, 311, and 312

On page 153, beginning on line 6 of the striking amendment, after "Sec. 1403." strike all material through "take" on line 7 of the striking amendment and insert "Section 401 of this act takes"

Representatives Jacobsen and Walsh spoke in favor of the adoption of the amendment to the committee striking amendment.

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

Amendment (1430) to the committee striking amendment was not adopted.

Division was demanded and the demand was sustained. The Speaker (Representative Shavers presiding) divided the House. The result was 52 - YEAS; 40 - NAYS.

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 Reed, Bernbaum and Fey spoke in favor of the passage of the bill.

Representatives Low, Barkis, Chase, Ley, Engell and Jacobsen spoke against the passage of the bill.

The Speaker (Representative Shavers presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5801, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5801, as amended by the House, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0

Voting Yea: Representatives Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hill, Hunt, Kloba, Lekanoff, Macri, Mena, Nance, Obras, Ormsby, Ortiz-Self, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Ryu, Salahuddin, Santos, Scott, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barkis, Barnard, Burnett, Caldier, Chase, Connors, Corry, Couture, Dent, Dufault, Dye, Engell, Eslick, Graham, Griffey, Jacobsen, Keaton, Klicker, Leavitt, Ley, Low, Manjarrez, Marshall, McClintock, McEntire, Mendoza, Morgan, Orcutt, Penner, Reeves, Richards, Rude, Rule, Schmick, Schmidt, Shavers, Steele, Stokesbary, Stuebe, Timmons, Volz, Walen, Walsh, Waters and Ybarra

ENGROSSED SUBSTITUTE SENATE BILL NO. 5801, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Friday, April 25, 2025, the 103rd Day of the 2025 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



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